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Inspection Report

Provider Name: Kribs2Kids Academy Fairdale	Provider Information	CLR No: L383240
Provider Address: 8104 Tolls Lane, Louisville, KY, 40214, 5824	Provider Type: LICENSED TYPE I	Capacity: 40
Owner(s): Kribs2Kids Academy Fairdale, LLC		Director(s): Nicholas, Shashi

Inspection Type: Investigation	Inspection Information	Inspection No: 320809
Date Initiated: 03/28/2022 3:30 PM	Date Concluded: 04/05/2022 12:26 PM	
	No. of Children Present: 20	

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: Observation on 04/05/2022 revealed two (2) staff members and nineteen (19) children in the dining area. Interview revealed that it was only the second day of employment for one (1) of the staff members; his/her date of hire was 04/04/2022. Interview with the new staff member confirmed that he/she has not recently submitted fingerprints as required for the completion of background checks. The staff member further stated that he/she completed the required background checks in the past with a previous employer. Observation revealed the second staff member in the room left the dining area and entered the kitchen, leaving the new employee alone with the children briefly on more than one occasion. Review of the center's report in the Kentucky Applicant Registry and Employment Screening (KARES) database revealed the staff member who was hired on 04/04/2022 was not listed in the report as an employee or pending employee of the center. Therefore, the individual's eligibility for employment with the center was not confirmed.

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 interview and review of the center's information in the Kentucky Applicant Registry and Employment Screening (KARES) report, the licensee failed to maintain an accurate employment status for each current or past employee. The KARES report identified seven (7) people as 'current employee'. However, per interview with the licensee, only one (1) of the seven (7) are current employees. Additionally, the licensee was listed on the report as 'Eligible Not Employed'; therefore, his/her status of employment was not updated to reflect an accurate status of employment.

Inspection Report

Supervision

Not In Compliance

90 - Children Supervised

Not In Compliance

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

(3)(a) Each center shall maintain a child-care program that assures each child shall be:

1. Provided with adequate supervision at all times by a qualified staff person who ensures the child is:

- a. Within scope of vision and range of voice; or**
- b. For a school-age child, within scope of vision or range of voice;**

Findings:

General: Based on observation, the center staff failed to provide each child with adequate supervision in accordance with regulatory standards. During an onsite inspection conducted on 03/28/2022, ten (10) toddlers and preschool children were left in the preschool classroom in the presence of the Division of Regulated Child Care (DRCC) representative, with no center staff member in the room. Each of the three (3) staff members present exited the classroom and entered the diaper changing area that is located outside of the classroom. The DRCC representative requested the presence of a staff member in the room. Additionally, at 4:12pm. on 03/28/2022, three (3) school age children arrived at the center and entered the front lobby, unnoticed by staff members. Within a few minutes, the staff in charge came to the doorway of the lobby area and spoke to the school age children, then he/she walked away. The school age children were observed eating candy and watching YouTube videos on a personal tablet that belonged to one (1) of the children. At 4:17p.m., the staff in charge went to the lobby area to take a younger child to his/her parent. At that time the licensee asked the school age children if they were being good. Then one (1) school age child followed the staff in charge to the dining area for snack, the other two (2) children remained unsupervised in the lobby area. At 4:19p.m., the staff in charge returned to the lobby area and encouraged the remaining two (2) children to join them for snack. At 4:21p.m., two (2) school age children left the dining area and returned to the lobby, unsupervised. The lobby is adjacent to the dining area; however, the volume of noise in the dining area prevented staff from having the ability to hear the children in the lobby. During a subsequent visit to the center on 04/05/2022, a three-year-old child left the diaper changing area, walked through a small room, entered a classroom, then entered the dining area and approached the staff in charge. The child was unsupervised from the time he exited the diaper changing area until he approached the staff in charge in the dining area. Additionally, on 04/5/2022, fifteen (15) children were observed sitting on the floor, against the walls, in the diaper changing area. No staff member was in the room/area. One (1) of the three (3) staff members present was in the bathroom with a child, another staff member was in the Preschool classroom with children; and the third (3rd) staff member was cleaning in the dining area.

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: The child care center failed have a sufficient amount of qualified staff members to maintain minimum staff to child ratios in accordance with regulatory standards. During a visit to the center on 04/05/2022, nineteen (19) children were in the dining area with one (1) qualified staff member and one (1) staff member whose background checks were not obtained. No documentation was presented to verify that the background check process had been initiated. One (1) additional qualified staff member was in the Preschool classroom with a preschool child. With only two (2) qualified staff members present with twenty (20) children, ranging from fifteen (15) months to ten (10) years old, the center did not have enough qualified staff to maintain compliance with minimum staff to child ratios.

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: The child care center failed to maintain compliance with minimum staff to child ratios and maximum group sizes per regulatory requirements. On 03/28/2022, there were fourteen (14) children present with three (3) staff members. The children ranged in age from fifteen (15) months to five (5) years. The children were intermingled and moved about freely in and out of the Preschool classroom and diaper changing area. The three (3) staff members also moved about sporadically from one (1) room to the other, failing to acknowledge the number of children and staff in each area at any time, even leaving ten (10) children in the classroom with a closed door and no staff member in the room. All fourteen (14) children were escorted to the dining area with two (2) staff members; however, one (1) staff member sporadically left the dining area, leaving one (1) staff member with all children. During a subsequent visit to the center on 04/05/2022, nineteen (19) children were in the dining area with one (1) qualified staff member and one (1) staff member whose background checks were not yet obtained. The youngest child in the dining area was fifteen (15) months old; therefore, the minimum staff to child ratio for and maximum group size was exceeded.

General Administration

Not In Compliance

225 - 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 observation and interview, the licensee failed to assure the health, safety, and comfort of an enrolled child. On 03/28/2022 a child was observed being forced to go outside with a staff member while the staff member took a bag of soiled diapers to the trash. The child was not wearing shoes and resisted the staff member's attempts to get him out of the door. The child was taken outside, without shoes, despite the child's shoes being among a collection of children's shoes near the door in same room from which the child and staff member exited the building to go outside.

Employee Records

Not In Compliance

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 telephonic interview with the staff in charge on 04/07/2022, a contract employee began his/her employment with the center on 04/07/2022. Review of the employee's file, which was emailed for review, revealed no documentation to verify the individual's education was submitted for review.

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: Documentation of a current written statement from a medical professional verifying that a staff member was free of active tuberculosis was not presented for review for a staff member whose date of hire was 04/04/2022. The documentation submitted for review consisted of a Tuberculin Skin Test Certificate that was read on 08/11/2019. Additionally, during a phone interview with the staff in charge on 04/07/2022, the staff in charge stated that two (2) new employees who work with a contract agency began working at the center on 04/07/2022. The staff in charge emailed copies of the staff members' staff files; however, the documentation failed to include a written statement from a health professional verifying that each of the staff members were free of active tuberculosis.

420 - Adequate Substitute(s)

Not In Compliance

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

- (6) Child-care centers shall have available in case of need:**
 - (a) One (1) qualified substitute staff person for a Type II child-care center; or**
 - (b) Two (2) qualified substitute staff persons for a Type I child-care center.**
- (7) Each qualified substitute staff person shall:**
 - (a) Meet the staff requirements of this administrative regulation; and**
 - (b) Provide the required documentation to verify compliance with this administrative regulation.**

Findings:

General: Based on observation, interview and review of documentation, the center failed to have two (2) qualified substitutes available in case of need. On 03/28/2022, there were three (3) staff members present, one (1) of which was an employee from a contract agency. Per interview with the staff in charge on 03/28/2022, the three (3) staff members were the only active staff members at the time. On 04/05/2022, three (3) staff members were present, only two (2) of which were qualified. The third staff member was hired on 04/04/2022 and the background check process had not been initiated for him/her. During a subsequent phone call with the staff in charge on 04/07/2022, two (2) additional employees from a contract agency began working at the center on 04/07/2022. Prior to that day, the center did not have a sufficient amount of staff or substitutes.

Programming

Not In Compliance

465 - Electronic Viewing/Listening Devices

Not In Compliance

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

- (4) The child-care center shall provide a daily planned program:**
 - (d) Unless the child-care center is a before- or after-school program that operates part day or less, that offers a variety of creative activities including the following:**
 - 12. The use of screen time, electronic viewing and listening devices if the:**
 - a. Material is developmentally appropriate to the child using the equipment;**
 - b. Material is not a replacement for active play or a substitute for engagement and interaction with other children and adults;**
 - c. Material does not include any violence, adult content viewing, or inappropriate language;**
 - d. Child is over twenty-four (24) months of age;**
 - e. Viewing or listening is discussed with parents beforehand; and**
 - f. Viewing or listening is designed as an educational tool used to help children explore, create, problem solve, interact, and learn with and from one another.**
- (5) Screen time shall be:**
 - (a) Utilized for:**
 - 1. A maximum of thirty (30) minutes per day in a half-day program;**
 - 3. The time needed for school-age children to complete assigned non-traditional instruction; and**
 - (b) Prohibited for a child under twenty-four (24) months of age.**
- (6) A child who does not wish to use an electronic device during the planned program shall be offered other appropriate activities.**

Findings:

General: Based on observation, three (3) school age children were observed to be unsupervised in the front lobby area. One (1) of the children accessed his/her personal computer and began watching videos on YouTube without a staff member's knowledge. The two (2) other children gathered around the computer and watched the videos. Once a staff member entered the room, he/she still did not provide oversight or discourage the viewing of the video; nor did he/she assess the appropriateness of the content of the video.

480 - Waiting Period

Not In Compliance

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

- (9) A child shall not be required to stand or sit for a prolonged period of time:**
(a) During an activity;
(b) While waiting for an activity to start; or
(c) As discipline.

Findings:

General: Observation conducted on 03/28/2022 revealed children were made to wait for a prolonged period of time while waiting for an activity. A group of fourteen (14) children, including toddlers, preschoolers, and school age children, were escorted from the dining hall to the diaper changing area, where each child was instructed to sit on the floor, against the walls, while they waited for each child to use the restroom or wash his/her hands. During a subsequent visit on 04/05/2022, nineteen (19) children were observed in the dining area. The children ranged in age from fifteen (15) months to ten (10) years old. Four (4) toddlers were in highchairs and the remaining children were sitting at tables. The children had bowls in front of them, most of which were empty. A staff member was walking around the room offering additional portions of food. The portions were extremely small and were often consumed immediately when it was served, leaving the children to continue to wait for each child to be offered the additional food before the staff member walked around the room offering another food product. A fifteen (15) month old child was observed sleeping in a highchair. Interview with a staff member revealed the child finished eating her food prior to the Division of Regulated Child Care (DRCC) representative's arrival and fell asleep upon completion of his/her meal. Continued interview revealed the child did not fall asleep at the time of the DRCC representative's arrival. Two (2) toddlers who were sitting in highchairs no longer had bowls on their trays. They were merely waiting for the rest of the children to finish the meal. The children were loud and rambunctious as they waited for the completion of the food service. Interview with the staff in charge revealed there was extra chaos due to a staff member not showing up to work and due to an issue with a clogged toilet that caused a delay in the meal schedule. Continued observation revealed that all children were escorted from the dining area to the diaper changing area, where they were instructed to sit on the floor, against the walls, as they waited for each child to use the restroom.

490 - Discipline

Not In Compliance

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

- (11) A child shall not be subjected to:**
(a) Corporal physical discipline pursuant to KRS 199.896(18);
(b) Loud, profane, threatening, frightening, humiliating, or abusive language; or
(c) Discipline that is associated with:
 1. Rest;
 2. Toileting;
 3. Play time; or
 4. Food.

Findings:

General: Based on interview, children have been subjected to discipline that is associated with food. Interviews with staff members confirmed that children have been restrained in highchairs for short periods of time when they need to calm down.

Premises

Not In Compliance

565 - 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: Observation conducted during an onsite inspection on 03/28/2022 revealed fourteen (14) children, ranging from fifteen (15) months to five (5) years old, moving about freely in and out of the Preschool room and the diaper changing area, which is located outside of the preschool room. There were three (3) staff members who also moved about freely in and out of the rooms without regard to the presence of children. A staff member was observed sanitizing a table in the Preschool room with a liquid from a spray bottle. The staff member sprayed the liquid on the table, creating a puddle of liquid, then sat the bottle down and walked away from the table. A toddler was observed placing his hands in the puddle of liquid, which was next to the unattended bottle of sanitizing solution. The child's access to the liquid was undetected by staff members until the DRCC representative made them aware of the situation.

Hygienic Practices

Not In Compliance

730 - Diaper Changing Area/Surface

Not In Compliance

922 KAR 2:120. Section 12. 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 on 03/28/2022 and 04/05/2022, children were placed on a diaper changing table that was not padded when getting their diapers changed.

Inspection Report

Outdoor Play Area

Not In Compliance

795 - 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 on 03/28/2022 and 04/05/2022, children were placed on a diaper changing table that was not padded when getting their diapers changed.

General: Based on observation, the outdoor play area was not well maintained and free of foreseeable hazards. Observation of the outdoor playground on 03/28/2022 revealed the following:

1. A long piece of metal siding lying on the ground. The metal was bent and contained sharp edges;
2. An outdoor storage building with a broken window. There was a large hole in the upper portion of the glass window;
3. Multiple child sized chairs with metal legs were strewn throughout the outdoor play area. The metal legs were covered in rust;
4. The wooden beams of which the frame for the mulched area was compromised was rotting in places and consisted of peeling paint and splintering wood. In some sections, large sections of the wood were missing;
5. The metal play structures were rusted;
6. Multiple play structures that contained wood, consisted of peeling paint on the wooden sections; and
7. There were two plastic wheelbarrows, both of which contained broken wheels with exposed, sharp pieces of plastic.

Equipment

Not In Compliance

865 - Indoor/Outdoor Equipment

Not In Compliance

922 KAR 2:120. Section 13. Toys and Furnishings.

(2) Indoor and outdoor equipment shall:

- (a) Be clean, safe, and in good repair;
- (b) Meet the physical, developmental needs, and interests of children of different age groups;
- (c) Be free from sharp points or corners, splinters, protruding nails or bolts, loose or rusty parts, hazardous small parts, lead-based paint, poisonous material, and flaking or chalking paint; and
- (d) Be designed to guard against entrapment or situations that may cause strangulation.

Findings:

General: Observation of the outdoor equipment on 03/28/2022 revealed the following:

1. Multiple child sized chairs with metal legs were strewn throughout the outdoor play area. The metal legs were covered in rust;
2. The metal play structures were rusted;
3. Multiple play structures that contained wood, consisted of peeling paint on the wooden sections; and
4. There were two plastic wheelbarrows, both of which contained broken wheels with exposed, sharp pieces of plastic.

Food Service

In Compliance

Written Documentation

Not In Compliance

1295 - 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 and review of documentation, the child care center failed to maintain information regarding a child or a child's parent in a confidential manner. Review of posted documentation in the diaper changing area, which is located immediately outside of the Toddler classroom and the Preschool classroom, revealed a document that contained children's names, dates of birth, immunization dates, and parent contact information. The document was posted in a manner that could be easily viewed by all who were present in the area.

Signature of Provider/Representative

Title

Date