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**Inspection Report**

<b>Provider Name:</b> Kids Empowerment Learning Academy	<b>Provider Information</b>	<b>CLR No:</b> L383808
<b>Provider Address:</b> 1527 North Limestone St., Lexington, KY, 40505	<b>Provider Type:</b> LICENSED TYPE I	<b>Capacity:</b> 160
<b>Owner(s):</b> Kids Empowerment Learning Academy, LLC		<b>Director(s):</b> Garcia, Maria Teresa

<b>Inspection Type:</b> Renewal Application	<b>Inspection Information</b>	<b>Inspection No:</b> 304920
<b>Date Initiated:</b> 11/18/2020 8:30 AM	<b>Date Concluded:</b> 11/18/2020 10:22 AM	
	<b>No. of Children Present:</b> 50	

Inspection Report	
<b>Background Checks</b>	<b>In Compliance</b>
<b>Supervision</b>	<b>Not In Compliance</b>
<b>90 - Children Supervised</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:120. Section 2. Child Care Services.</b></p> <p><b>(3)(a) Each center shall maintain a child-care program that assures each child will be:</b></p> <p><b>1. Provided with adequate supervision at all times by a qualified staff person who ensures the child is:</b></p> <p><b>a. Within scope of vision and range of voice; or</b></p> <p><b>b. For a school-age child, within scope of vision or range of voice;</b></p> <p><b>Findings:</b></p> <p>General: Based on observation, it was found during a tour of one of the kindergarten classrooms, that there was a child sitting alone at a table with no staff member present. The surveyor went into the classroom at approximately 8:37AM and the child was there. The surveyor then went into the school-age classroom to count ratios and perform a walkthrough of the classroom. Once the surveyor was done with this walkthrough, the kindergarten classroom was re-entered and there was a teacher present, as well as other children. Therefore, the child was left unsupervised for less than approximately ten minutes.</p>	
<b>Staffing Requirements</b>	<b>In Compliance</b>
<b>General Administration</b>	<b>In Compliance</b>
<b>Director Requirements</b>	<b>Not In Compliance</b>
<b>345 - Staff Evaluation</b>	<b>Not In Compliance</b>
<p><b>922 KAR 2:090. Section 10. Director Requirements and Responsibilities.</b></p> <p><b>(1) A director shall:</b></p> <p><b>(j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;</b></p> <p><b>Findings:</b></p> <p>General: Based on observation and review of documentation, this regulatory requirement was not met. Four staff members did not have evaluations on file or the evaluations on file were not dated.</p>	

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 observation, the following was found:

- 1.) There was an uncovered electrical outlet by the soap dispenser located in the boy bathroom downstairs.
- 2.) In the boys bathroom located downstairs, the toilet paper was being stored on the half wall in the bathroom.
- 3.) In the women's bathroom located downstairs, the toilet paper was being stored on top of the toilet paper dispenser. Having the toilet paper stored in this manner is not a sanitary practice.

Employee Records

In Compliance

Programming

Not In Compliance

420 - Program of Activities Followed

Not In Compliance

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

(4) The child-care center shall provide a daily planned program:

- (a) Posted in writing in a conspicuous location with each age group and followed;
- (b) Of activities that are individualized and developmentally appropriate for each child served;
- (c) That provides experience to promote the individual child's physical, emotional, social, and intellectual growth and well-being; and
- (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:

- 1. Art or music;
- 2. Math or numbers;
- 3. Dramatic play;
- 4. Stories and books;
- 5. Science or nature;
- 6. Block building or stacking;
- 7. Tactile or sensory activity;
- 8. Multi-cultural exposure;
- 9. Indoor or outdoor play in which a child makes use of both small and large muscles;
- 10. A balance of active and quiet play, including group and individual activity;
- 11. An opportunity for a child to:
  - a. Have some free choice of activities;
  - b. If desired, play apart from the group at times;

Findings:

General: Based on observation, it was found that the lesson plans in the preschool classroom, as well as the two-year-old classrooms were outdated.

455 - Discipline

Not In Compliance

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

(10) 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; or
  - 3. Food.

Findings:

General: Based on observation during a tour of the two-year-old classroom, it was found that teacher was using inappropriate language around the children. There was one instance where the teacher had bent over to pick something up off the floor and said, "Jesus Christ," loud enough to where the children could hear her. In addition, it was found that the children were eating breakfast during the time of the walkthrough. The teacher said to the children that, "They were going to sit down at the breakfast table and act like they got some sense." These phrases are not age appropriate for two-year-old children.

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, the following was found accessible to children in care:

- 1.) In the two-year-old classroom, there were two drinks sitting on a shelf. Both of these drinks belonged to a staff member in the room.
- 2.) Also in the two-year-old classroom, the teacher's phone charger was plugged into the wall and the phone was charging on a half wall that joined this room and the neighboring room. The phone charging chord was hanging down loosely. Additionally, this posed a risk to the children if they were to grab the cord and the phone fell and hit them.

**540 - Premises Requirements**

**Not In Compliance**

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

- (1) The premises shall be:**  
**(a) Suitable for the purpose intended;**  
**(b) Kept clean and in good repair;**

**Findings:**

General: Based on observation, the following was found:

- 1.) In the boys bathroom located upstairs, the sink appeared to be pulling away from the wall. The paint around the sink was flaking and peeling away from the wall as well.
- 2.) In the one- and two-year-old classroom, the handwashing sink was in disrepair. When the surveyor opened the cabinet door of the sink, the bottom piece of trim fell off. The teacher in the classroom reported that they had tried to fix the sink with glue, but that it did not work.
- 3.) In the girls' bathroom located upstairs, there was a lock that was missing on one of the bathroom stall doors. You could see into the stall through the hole where the lock should have been.

**560 - Building Requirements**

**Not In Compliance**

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

- (5) The building shall be constructed to ensure the:**  
**(a) Building is:**  
 1. Dry;  
 2. Ventilated; and  
 3. Well lit, including clean light fixtures that are:  
     a. In good repair in all areas; and  
     b. Shielded or have shatter-proof bulbs installed; and  
**(b) Following are protected:**  
 1. Windows;  
 2. Doors;  
 3. Stoves;  
 4. Heaters;  
 5. Furnaces;  
 6. Pipes; and  
 7. Stairs.

**Findings:**

General: Based on observation, it was found in the girls' bathroom located upstairs, a water spout that was rusted. There was also rust on the wall around where the spout was located.

**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, the following was found:

- 1.) There was an area of missing paint underneath the mirror located in the infant classroom.
- 2.) There were numerous stained ceiling tiles in the downstairs boys' bathroom. 3.) There was an area of the wall where the baseboard was missing in the preschool room. This area was located in the quiet corner of the classroom. In addition, in the preschool room there was an area of missing paint underneath the feelings poster hanging in the room.
- 4.) There was an area of missing paint underneath the soap dispenser in the girls' bathroom located upstairs.
- 5.) In both of the kindergarten classrooms, there were areas where the walls were dirty with what appeared to be some scuff marks and dirt.

**650 - Toilet**

**Not In Compliance**

**922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.**

- (4) Each toilet shall:**  
**(a) Be kept in clean condition;**  
**(b) Be kept in good repair;**  
**(c) Be in a lighted room; and**  
**(d) Have ventilation to outside air.**

**Findings:**

General: Based on observation, the following was found:

- 1.) In the boy's bathroom located upstairs, there was one toilet that contained urine. In addition, it was found that one toilet contained cheerios and milk. 2.) In the girls' bathroom located downstairs, there were a total of three light panels. Only one of the three panels were in working order; therefore, this bathroom was not properly lit.

<b>Hygienic Practices</b>	<b>In Compliance</b>
<b>First Aid/Medication</b>	<b>In Compliance</b>
<b>Outdoor Play Area</b>	<b>In Compliance</b>
<b>Equipment</b>	<b>In Compliance</b>
<b>Transportation</b>	<b>In Compliance</b>
<b>Food Service/Food Program</b>	<b>In Compliance</b>

**Inspection Report**

**Food Service**

**Not In Compliance**

**1025 - Refrigerator**

**Not In Compliance**

**922 KAR 2:120. Section 8. Kitchen Requirements.**

- (4) A cold-storage facility used for storage of perishable food in a nonfrozen state shall:**
  - (a) Have an indicating thermometer or other appropriate temperature measuring device;**
  - (b) Be in a safe environment for preservation; and**
  - (c) Be forty (40) degrees Fahrenheit or below.**

**Findings:**

General: Based on observation, it was found that there was a milk cooler in the room located next to the indoor gross motor room. This milk cooler did not contain an indicating thermometer. In addition, there was a spill in the bottom of the cooler, as well as an odor coming from the cooler when the lid was opened.

**1050 - Bottles**

**Not In Compliance**

**922 KAR 2:120. Section 8. Kitchen Requirements.**

- (9) Bottles shall be:**
  - (a) Individually labeled;**
  - (b) Promptly refrigerated;**
  - (c) Covered while not in use; and**
  - (d) Consumed within one (1) hour of being heated or removed from the refrigerator.**

**Findings:**

General: Based on observation, it was found that there was one unlabeled bottle in the infant classroom.

**1055 - Food Clean/Free From Spoilage**

**Not In Compliance**

**922 KAR 2:120. Section 9. Food and Meal Requirements.**

- (1) Food shall be:**
  - (a) Clean;**
  - (b) Free from:**
    - 1. Spoilage;**
    - 2. Adulteration; and**
    - 3. Misbranding;**
  - (c) Safe for human consumption;**
  - (d) Withheld from service or discarded if the food is hermetically sealed, nonacidic, or low-acidic food that has been processed in a place other than a commercial food-processing establishment;**

**Findings:**

General: Based on observation, it was found that there were three gallon jugs of milk in the milk cooler. These gallons of milk were dated for November 10th, 2020; therefore, making them out of date.

**Children's Records**

**In Compliance**

**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 observation and review of documentation, this regulatory requirement was not met. Three staff members did not have professional development plans on file or the plans on file were not dated.

**Posted Documentation**

**Not In Compliance**

**1215 - Daily Activities**

**Not In Compliance**

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

- (1) A director shall:**
  - (h) Post a schedule of daily activities, to include dates and times of activities to be conducted with the children in each classroom;**

**Findings:**

General: Based on observation, there was not a daily schedule posted in one of the kindergarten classrooms.

**1220 - Diapering/Handwashing**

**Not In Compliance**

**922 KAR 2:120. Section 10. Toilet, Diapering, and Toiletry Requirements.**

- (9) The proper methods of diapering and hand-washing shall be posted at each diaper changing area.**

**Findings:**

General: Based on observation, the following was found:  
1.) The handwashing steps were not posted in the kindergarten classroom where there is a handwashing sink present.  
2.) The diapering steps were not posted in the girls' bathroom located upstairs. There was a diaper changing station present in this bathroom.

**Animals**

**In Compliance**

**Inspection Report**

**Emergency Regulation**

**Not In Compliance**

**1255 - Emergency Regulation**

**Not In Compliance**

**922 KAR 2:405E. Emergency Regulation.**

**Due to the current declared public health emergency caused by the Novel Coronavirus Disease (COVID-19), licensed child care centers must operate under Centers for Disease Control and Prevention and public health guidelines, as mandated by 922 KAR 2:405E, to prevent the spread of COVID-19.**

**Findings:**

General: Based on observation and review of documentation, this regulatory requirement was not met. A staff member hired on 9/28/2020, did not complete a criminal records background check. This staff member was not working alone during the renewal survey.

Signature of Provider/Representative

Title

Date