



Andy Beshear
GOVERNOR

CABINET FOR HEALTH AND FAMILY SERVICES
OFFICE OF INSPECTOR GENERAL

Melissa A. Moore, Director
Division of Regulated Child Care
Northern Branch
908 W. Broadway, 10-W
Louisville, KY 40203
Phone: (502) 595-5781 Fax: (502) 595-5773
<https://chfs.ky.gov/agencies/os/oig>

Eric Friedlander
SECRETARY

Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Mrs. Davis After School Academy	Provider Information	CLR No: L383829
Provider Address: 182 South Property Rd., New Castle, KY, 40050	Provider Type: LICENSED TYPE I	Capacity: 120
Owner(s): Davis, Sein Yvette		Director(s): Davis, Sein Yvette

Inspection Type: Renewal Application	Inspection Information	Inspection No: 305581
Date Initiated: 12/02/2020 9:55 AM	Date Concluded: 12/02/2020 11:20 AM	
	No. of Children Present: 5	

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 interview and review of documentation, the child care center failed to comply with regulatory requirements regarding background checks. Based on interview with staff in charge, the documentation was not available at the time of the survey. A review of KARES failed to reveal eligibility for either of the observed staff working with the children at the time of the survey. Also, results of a CAN and CRC results were not available for review. The two (2) staff observed working were not under the supervision of a qualified staff member. Additionally, the two (2) staff members observed working had unknown hire dates as personnel files for all staff members were unavailable at the time of the survey.

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 interview and review of documentation, the child care center failed to maintain background checks in accordance with regulatory requirements. Based on interview with staff in charge, and a review of KARES report, documentation was not available at the time of the survey, to verify the eligibility status by either KARES or a CAN or CRC results of the two (2) observed working staff members with unknown hire dates.

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 will 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, interview and review of documentation, the child care center failed to maintain regulatory supervisory requirements. Based on observation two (2) individuals with unknown hire dates, were supervising five (5) children. Upon review, there was no documentation (CAN and CRC results) available at the time of the survey verifying eligibility, nor was there documentation in KARES verifying eligibility, thereby the children failed to be supervised by a qualified staff. Additionally, the two (2) individuals were not supervised by a qualified staff.	
Staffing Requirements	In Compliance
General Administration	Not In Compliance
155 - 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 interview and review of documentation, the child care center failed to comply with regulatory requirements. Based on interview with staff in charge, documentation of current liability insurance was not available at the time of the survey.	
290 - Fire Marshal/Zoning Compliance	Not In Compliance
922 KAR 2:120. Section 4. Premises Requirements. (2) A child-care center shall be in compliance with the State Fire Marshal and the local zoning laws.	
Findings: General: Based on interview and review of documentation, the child care center failed to comply with regulatory requirements. Based on an interview with staff in charge, the documentation verifying compliance with the fire marshal was not available at the time of the survey.	
Director Requirements	Not In Compliance
320 - 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: Based on interview and a review of documentation, the child care center director failed to assure compliance with regulatory requirements. Upon request, the staff in charge failed to submit documentation verifying that staff had been provided with a copy of the regulations.	
325 - Director Qualifications	Not In Compliance
922 KAR 2:090. Section 10. Director Requirements and Responsibilities. (1) A director shall: (a) Be at least twenty-one (21) years of age; (b) Have a high school diploma, a general equivalency diploma (GED), or qualifying documentation from a comparable educational entity; (c) Not be employed in a position other than an onsite child care director, or director of multiple facilities, during the hours the child-care center is in operation;	
Findings: General: Based on observation and interview, the child care center director failed to assure compliance with regulatory requirements. Observation on 12/02/2020 revealed the director was supervising a child/children in the school, outside of the program, not enrolled in the program, but enrolled in the school. Interview with the director revealed she is employed by the school during school hours. Further interview revealed the hours of operation had recently changed from after school hours (3p-6p) to 7:00 A.M.to 6:00 P.M. due to mandatory school closings. Therefore, the director was employed in a position other than an onsite director during the hours of operation.	
340 - 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 interview and review of documentation, the child care center director failed to assure compliance with regulatory requirements. Based on interview with staff in charge, verification that a staff meeting had been managed, conducted and documented in writing, failed to be available for review at the time of the survey.	

345 - Staff Evaluation

Not In Compliance

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

(1) A director shall:

- (j) Assess each staff person's interaction with children in care and classroom performance through an annual written performance evaluation;**

Findings:

General: Based on interview and review of documentation, the child care center director failed to assure compliance with regulatory requirements. Upon request, the documentation of a completed staff evaluation was not available for any staff member at the time of the survey as stated by the staff in charge.

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 interview and review of documentation, the child care center director failed to assure compliance with regulatory requirements. Based on a review of documentation, a snack only menu was posted but failed to be dated. Interview with staff revealed the children bring their lunches from home, and some of the children bring their breakfast, however the program provides no supplements or food for breakfast, lunch or snack. The staff member explained that the children's lunches are sufficient until the children leave. Interview with the staff in charge revealed the center is now operating from 7:00 A.M. to 6:00 P.M. since 11/20/2020.

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 interview and review of documentation, the child care director failed to assure compliance with regulatory requirements. Based on a review of files and KARES report, documentation verifying eligibility status of two (2) individuals with unknown hire dates, who were supervising five (5) children, was not available at the time of the survey. The aforementioned individuals were not supervised by a qualified staff member.

370 - Parental/Family Involvement Activity

Not In Compliance

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

(1) A director shall:

- (p) Coordinate at least one (1) annual activity involving parental or family participation;**

Findings:

General: Based on interview, the child care center director failed to assure compliance with regulatory requirements. Based on interview, a parental/family involvement activity could not be verified at the time of the survey.

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 observation, interview and review of documentation, the child care center failed to maintain employee records in accordance with regulatory requirements. Upon request, all employee files were not available for review at the time of the survey. Two (2) employees observed supervising children failed to have a personnel file available for review thereby failing to reveal a hire date on both employees.

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 interview, observation and review of documentation, the child care center failed to maintain employee records according to regulatory requirements. Based on a review of documentation, educational requirements for all staff members failed to be available when requested, including two (2) staff members with unknown hire dates, observed supervising children.

400 - 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.**

Findings:

General: Based on interview and review of documentation, the child care center failed to maintain employee records in accordance with regulatory requirements. Based on interview with staff in charge, documentation verifying at least one staff member certified in CPR and First Aid is on duty when the children are present was not available for review at the time of the survey.

405 - 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 interview and review of documentation, the child care center failed to maintain employee records. Based on interview, the staff in charge revealed the documentation verifying substitute staff was not available at the time of the survey.

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 interview and review of documentation, the child care center failed to maintain employee records in accordance with regulatory requirements. Based on an interview with staff in charge, documentation verifying pediatric head trauma and orientation training was not available at the time of the survey for an individual identified as a staff member with an unknown hire date. A review of ECE-TRIS report failed to verify orientation and pediatric head trauma had been obtained for the aforementioned individual.

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
Food Service/Food Program	Not In Compliance

980 - Meals Required

Not In Compliance

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

(15) A child-care center shall serve:

- (a) 1. Breakfast; or**
- 2. A mid-morning snack;**
- (b) 1. Lunch; or**
- 2. A mid-afternoon snack; and**
- (c) If appropriate, dinner.**

Findings:

General: Based on interview, the child care center failed to comply with food service requirements. Based on interview, the center does not provide any meals to the children. Children bring their lunches from home, with some including breakfast components. There are no items served to the children by the center for breakfast, lunch or snack, however an undated snack menu was posted. Interview with staff revealed the hours of operation as 7:00 A.M. to 6:00 P.M.

Inspection Report**Food Service****Not In Compliance****1115 - Meal Schedule****Not In Compliance****922 KAR 2:120. Section 9. Food and Meal Requirements.****(13) Meals shall be:**

- (a) Served every two (2) to three (3) hours;**

Findings:

General: Based on interview and review of documentation, the child care center failed to assure compliance with regulatory food service requirements. Based on interview with staff, the children bring their lunches from home. The center does not provide a breakfast meal or snacks. The staff member verified that the center provides no food to the children. The children failed to be served a meal every 2-3 hours. Interview with staff and staff in charge revealed the hours of operation as 7:00 A.M. to 6:00 P.M.

1130 - Menu**Not In Compliance****922 KAR 2:120. Section 9. Food and Meal Requirements.****(16) A weekly menu shall be:**

- (a) Prepared;**
- (b) Dated;**
- (c) Posted in advance in a conspicuous place;**
- (d) Kept on file for thirty (30) days; and**
- (e) Amended in writing with any substitutions on the day the meal is served.**

Findings:

General: Based on interview and review of documentation, the child care center failed to comply with regulatory food service requirements. A review of documentation revealed a snack only menu, however, interview with staff revealed no food is served to the children during the hours of operation. Interview with the staff in charge revealed the center is now open 7:00 A.M. to 6:00 P.M., effective 11/20/2020. The posted menu was not dated.

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 interview and review of documentation, the child care center failed to maintain children's records in accordance with regulatory requirements. Based on an interview with staff in charge, immunization certificates for the enrolled children were not available at the time of the survey.

1140 - 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 interview and review of documentation, the child care center failed to maintain children's records in accordance with regulatory requirements. Based on interview with staff in charge, children's records containing the enrolled children's name, address, date of birth, date of enrollment, contact information to enable a person in charge to contact the child's parent at the parent's home or place of employment, family physician, preferred hospital, the name of each person who is designated in writing to pick up the child, the child's general health and medical history, the name and phone number of each person to be contacted in case of emergency and authorization by the parent for the child care center to seek emergency medical care for the child in the parent's absence, were not available at the time of the interview.

Inspection Report**Written Documentation****Not In Compliance****1155 - 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 interview and review of documentation, the child care center failed to comply with written documentation requirements. Based on interview with staff in charge, the policies, job descriptions, organizational chart, chain of command, background checks for staff members, also including health and safety standards, were not available at the time of the survey.

1160 - Daily Attendance Records**Not In Compliance****922 KAR 2:090. Section 9. Records.****(1) A child-care center shall maintain:**

- (c) Daily attendance records documenting the arrival and departure time of each child, including records that are required in accordance with 922 KAR 2:160, Section 13, if a child receives services from the child-care center through the Child Care Assistance Program;**

Findings:

General: Based on interview and review of documentation, the child care center failed to comply with regulatory requirements. Based on interview with staff in charge, the daily sign in and out forms, indicating the child's time of arrival and departure, were not available at the time of the survey.

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 interview and review of documentation, the child care center failed to maintain written documentation in accordance with regulatory requirements. Based on interview, the staff in charge revealed that a staff schedule was not available at the time of the survey.

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 interview and review of documentation, the child care center failed to maintain written documentation in accordance with regulatory requirements. Based on interview with staff in charge, a written, annual plan for child care staff professional development, was not available at the time of the survey.

1175 - 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 interview and review of documentation, the child care center failed to maintain written documentation in accordance with regulatory requirements. Based on interview with staff in charge, all drills were not available for review at the time of the survey.

1190 - Orientation Procedure**Not In Compliance****922 KAR 2:120. Section 2. Child Care Services.****(3)(b) The program shall include:**

- 2. Written policy that specifies that the procedures that were taught at the orientation training shall be implemented by each child-care center staff member.**

Findings:

General: Based on interview and review of documentation, the child care center failed to maintain written documentation in accordance with regulatory requirements. Based on interview, the orientation policy was not available for review at the time of the survey.

Inspection Report		
	Posted Documentation	Not In Compliance
1200 - Posting Requirements		Not In Compliance
<p>922 KAR 2:090. Section 8. General.</p> <p>(6) In addition to the posting requirement of KRS 199.898(3), a child-care center shall post the following in a conspicuous place and make available for public inspection:</p> <ul style="list-style-type: none"> (a) The provider's preliminary or regular license; (b) Each statement of deficiency and civil penalty notice issued by the cabinet during the current licensure year; (c) Each plan of correction submitted by the child-care center to the cabinet during the current licensure year; (d) Information on the Kentucky Consumer Product Safety Program and the program's Website as specified in KRS 199.897; (e) A description of services provided by the child-care center, including: <ul style="list-style-type: none"> 1. Current rates for child care; and 2. Each service charged separately and in addition to the basic rate for child care; (f) Minimum staff-to-child ratios and group size established in 922 KAR 2:120; and (g) Daily planned program. 		
<p>Findings:</p> <p>General: Based on interview and review of documentation, the child care center failed to comply with regulatory posting requirements. Based on a review of documentation and interview, the statement of deficiency issued by the cabinet and plan of correction submitted by the provider for the current year, was not available for review at the time of the survey.</p>		
	Animals	In Compliance
	Emergency Regulation	In Compliance

Signature of Provider/Representative

Title

Date