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Adam Mather
INSPECTOR GENERAL

Inspection Report

Provider Name: Elks' Learning Center	Provider Information	CLR No: L359033
Provider Address: 928 East Main St, Frankfort, KY, 40601	Provider Type: LICENSED TYPE I	Capacity: 155
Owner(s): Franklin Co. Board Of Education		Director(s): Raglin, Amy Michelle

Inspection Type: Investigation	Inspection Information	Inspection No: 219096
Date Initiated: 03/01/2017 3:30 PM	Date Concluded: 03/01/2017 4:40 PM	
	No. of Children Present: 22	

Inspection Report	
Supervision	In Compliance

Staffing Requirements

Not In Compliance

40 - Ratios and Group Size

Not In Compliance

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

(2) Minimum staff-to-child ratios and group size for an operating child-care center shall be maintained as follows:

Age of Children Ratio Maximum Group Size*

Infant

1 staff for 5 children 10

Toddler

1 staff for 6 children 12

Preschool-age 2 to 3 years

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.**

Findings:

General: Based on observation and interview, the facility failed to maintain staff-to-child ratios and group size. During the investigation at approximately 3:35 p.m. the director escorted the surveyor outside to the playground. The surveyor observed one (1) staff person with a total of eighteen (18) children on the playground. The staff person stated that the youngest child in the group was five (5) years old and the oldest child in the group was twelve (12) years old. He stated that his group had been outside for approximately fifteen (15) minutes. The director then escorted the surveyor back inside the building to the cafeteria where the other school age group was located. The surveyor observed one staff person with eighteen (18) children. The staff person stated that the youngest child in the group was five (5) years old and the oldest child in the group was nine (9) years old. The director stated that she recently had a school age staff person to quit and she has not been able to "fill" the position. The director acknowledged that both school age groups were over ratio and group size. Furthermore; based on interviews, it was revealed that the infants, toddlers, two (2) year old children, and preschool children are grouped together in the nursery from 3:30 p.m. until approximately 5:00 p.m. The staff stated that the toddlers and two (2) year olds are brought to the nursery at 3:30 p.m. in order to have their diapers changed. The preschool children are also brought to the nursery at approximately 3:30 p.m. because three (3) staff leave at 3:30 p.m. Interviews revealed that there are approximately seventeen (17) children (infants through preschool) that are in the nursery at one time from 3:30 p.m. until approximately 5:00 p.m. with two (2) staff. Therefore, the nursery is over group size and ratio when the preschool children are brought into the nursery.

Director Requirements

Not In Compliance

265 - Health, Safety, Comfort

Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, a director shall:

(l) Provide for the health, safety, and comfort of each child;

Findings:

General: Based on interview with the director, it was revealed that a male school age child was not given his medication. The director stated that sometime before January they had to have a meeting because a school age child missed getting his medication while in the care of the after school program. The director stated that it was missed a couple of times due to a staff person failing to set his alarm on his phone as a reminder. The director stated that situation has since been resolved and the child's medication has not been missed.

Employee Records

Not In Compliance

300 - Background checks/left alone

Not In Compliance

922 KAR 2:090. Section 6. License Issuance.

(5) An individual described in subsection (4) of this section shall:

(a) Submit to background checks described in paragraph (b) of this subsection;

(b) May be employed or work with a child on a probationary basis for up to ninety (90) calendar days, pending completion of a:

- 1. Child abuse or neglect check using the central registry in accordance with 922 KAR 1:470;**
- 2. Criminal records check required by KRS 199.896(19);**
- 3. Criminal records check for any previous state of residence if the person resided outside the state of Kentucky in the last five (5) years; and**
- 4. An address check of the Sex Offender Registry; and**

(c) Not be left alone in the presence of a child until copies of the background checks in accordance with paragraph (b) of this subsection have been received by the licensee.

Findings:

General: Based on Review of Documentation, a staff person re-hired on 8/16/16 had a criminal records check on file dated 8/6/15. The director stated that the staff person was "pink slipped" when the program at Hearn Elementary closed. She stated that she was re-hired by the school on 8/16/16. It is important to note that this staff person was not observed working alone with children during the investigation.

320 - TB Verification

Not In Compliance

922 KAR 2:110. Section 5. 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, a staff person hired to be substitute on 9/1/16 had TB skin documentation on file that was no longer valid as of 6/23/16. A staff person hired on 4/20/16 had TB skin documentation on file that was completed on 4/25/16 which was after the staff person's date of hire.

325 - CPR/First Aid Coverage

Not In Compliance

922 KAR 2:110. Section 5. 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 employee file review, it was found that there is not a staff person certified in CPR and First Aid from 7:00 a.m. until 8:30 a.m.

340 - Training

Not In Compliance

922 KAR 2:110. Section 5. Staff Requirements.

- (14) 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 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 pediatric abusive head trauma training completed once every five (5) years.**

Findings:

General: Based on Review of Documentation, and ECE-TRIS staff hired on 4/20/16, 8/16/16, 9/1/16, and 11/10/16 did not have the required six (6) hour orientation training.

Programming

Not In Compliance

350 - 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) That offers a variety of creative activities including the following:**
 - 1. Art;**
 - 2. Music;**
 - 3. Dramatic play;**
 - 4. Stories and books;**
 - 5. Science;**
 - 6. Block building;**
 - 7. Tactile activity;**
 - 8. Culture;**
 - 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 Interview, the facility failed to have a posted plan of activities. The director stated that the school age staff do not have written lesson plans, but they do the best that they can to plan activities.

410 - Infant/Toddler Combined with Older Children

Not In Compliance

922 KAR 2:120. Section 5. Infant and Toddler Play Requirements.

(2) Except in accordance with subsection (3) of this section, an infant or toddler shall participate in an activity with an older child for no more than one (1) hour per day.

Findings:

General: Based on Observation at approximately 3:30 p.m., the surveyor observed seven (7) infants and toddlers in the nursery combined with three (3) two-year-old children. Staff reported that the youngest infant in the group was eight (8) months old. The staff stated that the toddlers and two (2) year olds are brought to the nursery at 3:30 p.m. in order to have their diapers changed. Further interviews revealed that the preschool children are also brought to the nursery at approximately 3:30 p.m. because three (3) staff leave at 3:30 p.m. Interviews revealed that there are approximately seventeen (17) children (infants through preschool) that are in the nursery at one time from 3:30 p.m. until approximately 5:00 p.m. with two (2) staff.

Posted Documentation

Not In Compliance

1165 - Daily Activities

Not In Compliance

922 KAR 2:110. Section 4. Director Requirements and Responsibilities.

(1) Effective with the adoption of this administrative regulation, 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 Interview, the facility failed to post a schedule of daily activities. The director stated that the school age groups used to be on a three group rotation schedule. She stated that since she no longer has a third school age staff person, they have not had a set schedule. Therefore, there was no schedule posted.

Signature of Provider/Representative

Title

Date