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Inspection Report

Provider Name: Ashland's Creative Activities Program (A-CAP)	Provider Information Provider Type: LICENSED TYPE I	CLR No: L358993
Provider Address: 195 North Ashland Ave, Lexington, KY, 40502		Capacity: 99
Owner(s): Fayette County Public Schools		Director(s): Mundy, Monica

Inspection Type: Renewal Application	Inspection Information	Inspection No: 320522
Date Initiated: 04/06/2022 3:38 PM	Date Concluded: 04/06/2022 5:31 PM	
	No. of Children Present: 36	

Inspection Report

Background Checks

Not In Compliance

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 observation and review of documentation the following was found:

- 1.) Staff member hired 11/8/2021, did not have a KARES based background check tied to the facility. The staff member was previously deemed eligible via KARES at an unrelated facility in 2018. The staff member completed a Child Abuse/Neglect check on 9/29/2021, and a State Police background check on 9/20/2021. This staff member was responsible for ten children aged six-to-seven-years-old and was not paired with an eligible staff member.
- 2.) Staff member hired 8/11/2021, did not have evidence of a KARES based background check. This staff member had completed a Child Abuse/Neglect Check on 10/5/2021, and a State Police Background check on 9/20/2021. This staff member was responsible for eight children aged 10-to-11 years-old and was not paired with an eligible staff member.
- 3.) Staff member hired 8/11/2021, did not have evidence of a KARES based background check. This individual completed a Child Abuse/Neglect check on 10/5/2021, and an Office of Administrative Courts background check on 5/21/18.
- 4.) Staff member hired 8/11/2021, did not have a KARES based background check tied to the facility; this individual was previously fingerprinted and deemed eligible for employment through a previous employer on 8/14/2019. This individual completed a Child Abuse/Neglect check on 10/5/2021, and an Office of Administrative Courts background check on 5/19/2009.
- 5.) Staff member hired 8/26/2020, did not have evidence of a KARES based background check. This individual completed a Child Abuse/Neglect check on 4/30/2021, and a State Police background check was completed on 8/22/2019. This staff member was responsible for seven children aged seven-to-eight-years-old and was not paired with an eligible staff member.
- 6.) Staff member hired 8/11/2021, did not have evidence of a KARES based background check. This individual completed a Child Abuse/Neglect background check on 8/28/2018, and again on 10/5/2021. An Office of Administrative Courts background check was completed on this individual on 10/5/2021.
- 7.) Staff member hired 8/10/2020, did not have evidence of a KARES based background check; this individual completed an Office of Administrative Courts background check on 6/20/2011, and a Child Abuse/Neglect check on 4/26/2021. This staff member was responsible for 11 children aged nine-to-ten-years-old and was not paired with an eligible staff member.

It is important to note that during the COVID-19 crisis the KARES portal was not available until June 2021. After re-opening in June 2021 staff members were directed to complete fingerprint-based background checks prior to September 30, 2021.

Supervision

In Compliance

Staffing Requirements

In Compliance

General Administration

Not In Compliance

150 - Fire Marshal

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:**
- (b) Be approved by the Office of the State Fire Marshal or designee;**

Findings:

General: Based on observation and review of documentation, Fire Marshal documentation was not available for review.

290 - Abuse/Neglect Report Procedure

Not In Compliance

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

- (3)(b) The program shall include:**
- 1. A procedure to ensure compliance with and inform child care staff of the laws of the Commonwealth pertaining to child abuse or neglect set forth in KRS 620.030;**

Findings:

General: Based on review of documentation, a procedure informing staff members of the laws pertaining to child abuse and neglect was not available for review.

Inspection Report

Director Requirements

Not In Compliance

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 observation and review of documentation, four staff members (dates of hire: 11/8/21, 8/11/21, 8/10/21, and 8/26/2020) present on the date of the inspection did not have a completed background check; these four individuals were left alone and responsible for their own classrooms. These staff members were not paired with an eligible staff member.

Employee Records

Not In Compliance

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, staff member hired 8/10/2020, had a negative tuberculin skin result dated 10/7/2019; this result exceeds two years and is no longer current.

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, staff member hired 8/11/2021, did not have evidence of completing Orientation training; this training is required within the first 90 days of employment. A review of ECE-TRIS supports this finding.

Programming

In Compliance

Premises

In Compliance

Hygienic Practices

In Compliance

First Aid/Medication

In Compliance

Outdoor Play Area

In Compliance

Equipment

In Compliance

Transportation

In Compliance

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 interview and review of documentation, the ten children's files reviewed did not have an immunization record. The staff person in charge reported that this documentation may have been in the children's school files at the school office; however, this staff member did not have access to those records. Each child has been enrolled more than 30 days.

Inspection Report

Written Documentation

Not In Compliance

1275 - 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 review of documentation, a staff schedule indicating staff members working hours was not available for review.

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, earthquake, tornado, and fire drill documentation was not available for review.

Posted Documentation

Not In Compliance

1310 - Posting Requirements

Not In Compliance

922 KAR 2:090. Section 8. General.

(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:

(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 Web site as specified in KRS 199.897;

(e) A description of services provided by the child-care center, including:

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.

Findings:

General: Based on observation, interview, and review of documentation, the facility license was not posted nor available for review. The staff person in charge stated that she believed that this document had been discarded by janitorial staff.

Animals

In Compliance

Signature of Provider/Representative

Title

Date