



June 8, 2022

CERTIFIED MAIL

Siman Aden, Authorized Agent
Quality Learning Center Inc.
5931 Zenith Ave N
Brooklyn Center, MN 55429-2646

License Number 1087038 (Child Care Center)

ORDER OF CONDITIONAL LICENSE

Dear Siman Aden:

The Department of Human Services (DHS) is placing your license to provide child care at Quality Learning Center located at 1411 Nicollet Ave S, Minneapolis, MN 55403, on conditional status for two years, beginning June 8, 2022. This means you must meet certain conditions to maintain your license, detailed below. This order is based on your noncompliance with Child Care Center licensing requirements. Details of our findings are also provided below. Our next steps and your options are also detailed.

REASON FOR THE CONDITIONAL LICENSE

On May 9th and May 10th, 2022, DHS licensors conducted a licensing review and follow-up visit at your facility located at 1411 Nicollet Ave S, Minneapolis, MN 55403. As a result of this licensing visit, the DHS licensors determined that your program failed to comply with the laws and rules that apply to licensed child care centers, citing 27 violations. DHS has considered the nature, chronicity, and severity of these violations, as well as the health, safety, and rights of children served by the program.

Nature and Severity: On May 9 and 10, 2022, DHS licensors determined 27 licensing violations. Additionally, 10 of the 27 violations are repeat violations for which you were previously cited. Numerous violations related to the health and safety of children, including:

- Failure to comply with background study requirements (addressed in a separate Order to Pay a Fine on May 13, 2022)
- Failure to comply with requirements related to infant care including bottle labeling, items in a crib with an infant younger than one year of age, and crib safety inspections
- Failure to keep hazardous items away from children
- Failure to maintain adequate staff to child ratios
- Failure to comply with staff training requirements, including orientation, CPR, first aid, annual in-service, and child development and learning

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- Failure to maintain children's files
- Failure to maintain personnel records
- Failure to comply with handwashing requirements for children

Chronicity: Your program received its license on October 17, 2017. Since that time, your program has demonstrated a history of noncompliance with licensing rules and statutes. The information below summarizes this history:

- June 8, 2022 Conditional License (this order): 27 violations (10 repeat)
- May 13, 2022 Order to Pay a Fine: \$200 (one background study violation)
- August 12, 2021 Correction Order: 5 violations (3 repeat)
- September 30, 2019 Correction Order: 18 violations (12 repeat)
- July 10, 2019 Correction Order: 17 violations (11 repeat)
- March 28, 2019 Correction Order: 28 violations

Commissioner's evaluation of your program:

DHS evaluated the facts, conditions, and circumstances concerning your program's operation. DHS licensors observed the following incidents on May 9 and 10, 2022, which raised concerns about the operation of the program and the well-being of the children being served:

- On May 9 and 10, 2022, staff were unable to provide the first and last names for most of the children present.
- On May 9, 2022, the DHS licensors asked the Authorized Agent (AA) for children's files. The AA provided a bin with children's records, but there were several children present who did not have files. When the DHS licensors asked the AA where the missing children's files were, s/he pointed to a filing cabinet. The DHS licensors observed that there were still not enough files to account for each child present and when asked again, the AA stated families bring them with them when they go to doctors' appointments.
- On May 10, 2022, when the DHS licensors asked the AA for children's files, the AA pointed to a filing cabinet and said that was where children's files were stored. The DHS licensors observed that there were not enough files to account for each child present and asked the AA to confirm that there were no other children's files at the center. The AA confirmed there were no other children's files. An individual from another child care program but not affiliated with Quality Learning Center Inc., arrived at the center and gave the DHS licensors another bin that contained approximately 46 children's files.

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- On May 9, 2022, when the DHS licensors asked a staff person for his/her name, the staff person left the classroom and came back with a name written on a piece of paper. The DHS licensors asked if the name written on the paper was the staff person's name, and s/he confirmed that it was. The DHS licensors went into another classroom and the staff person working in that classroom told the DHS licensors his/her name was the same name as the staff person from the previous classroom. Through a review of the individual's driver's license, the DHS licensors verified that the name belonged to the staff person in the second classroom, not the staff person in the previous classroom.
- On May 10, 2022, because of the lack of children's records, the DHS licensors asked classroom staff what they would do if there was an emergency and they had to reach a child's parent. The staff responded by pointing to a list of names on the wall with phone numbers identified by each child's name. The DHS licensors asked if the names and numbers listed were current and the staff responded yes. Upon further review, the DHS licensors determined that several of the children in attendance that day were not on the list.

Due to the serious and chronic nature of these violations, and the conditions in the program, which impact the health and safety of children in your care, your license to provide child care services is placed on a conditional status.

Licensing Violations

DHS determined that your program failed to follow licensing rules and statutes, as described below.

STAFF QUALIFICATIONS AND TRAINING

1. **Violation:** The required staff-to-child ratios were not maintained.
 - On May 10, 2022, there were two staff persons supervising 22 preschool aged children in the Preschool 2 classroom. An additional staff person was required. (Preschool 2 classroom)
 - On May 10, 2022, there was one staff person supervising 16 children in the School Age 1 classroom. An additional staff person was required. (School Age 1 classroom)

Citation: Minnesota Rules, part 9503.0040, subpart 1.

Repeat Violation: This is a repeat licensing violation. You were previously cited for a similar violation in the following orders:

- Correction Order dated September 30, 2019
- Correction Order dated July 10, 2019

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2. Violation: The program did not have documentation on site to show that 1 of 3 (SP5) staff persons met the education requirements of the teacher job classification for which the staff person was employed. The CDA for SP5 was expired.

Citation: Minnesota Rules, parts 9503.0032, subpart 2; and 9503.0120, item B.

Repeat Violation: This is a repeat licensing violation. You were previously cited for a similar violation in the following orders:

- Correction Order dated September 30, 2019
 - Correction Order dated July 10, 2019
 - Correction Order dated March 28, 2019
3. Violation: The required in-service training had not been completed for 2 of 2 (SP4 and SP5) individuals (director, staff persons, substitutes, or unsupervised volunteers) for the previous concluded calendar year. Calendar year 2021 in-service training did not include the required number of in-service training hours for SP4 and SP5.
 - SP4 completed 11 hours of in-service training in 2021. Twenty-four hours of training was required.
 - SP5 completed 13 hours of in-service training in 2021. Twenty-four hours of training was required.

Citation: Minnesota Statutes, section 245A.40, subdivision 7.

4. Violation: The program did not comply with cardiopulmonary resuscitation (CPR) training requirements. Documentation was not available on site to show that 2 of 4 (SP1 and SP3) individuals (director, staff persons, substitutes, or unsupervised volunteers) had satisfactorily completed the required pediatric CPR training including the treatment of obstructed airways and a hands-on skill assessment within 90 days of the start of work or within the previous two years .

Citation: Minnesota Statutes, section 245A.40, subdivision 4; and Minnesota Rules, part 9503.0120, item D.

5. Violation: The program did not comply with first aid training requirements. Documentation was not available on site to show that 2 of 4 (SP1 and SP3) individuals (director, staff persons, substitutes, or unsupervised volunteers) completed pediatric first aid training within 90 days of the start of work or within the previous two years.

Citation: Minnesota Statutes, section 245A.40, subdivision 3; and Minnesota Rules part 9503.0120, item D.

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6. **Violation:** The program did not comply with child development and learning training requirements. Documentation was not available on site to show that 2 of 4 (SP1 and SP3) individuals (director, staff persons, substitutes, or unsupervised volunteers) completed training within 90 days of employment.

Citation: Minnesota Statutes, section 245A.40, subdivision 2.

Repeat Violation: This is a repeat licensing violation. You were previously cited for a similar violation in a Correction Order dated August 12, 2021.

INFANT CARE

7. **Violation:** Each bottle was not labeled with the child's first and last name. There was a bottle on the tool bench in the Preschool 2 classroom that was not labeled with a child's first and last name.

Rule Violated: Minnesota Rules, part 9503.0145, subpart 7, item D.

Repeat Violation: This is a repeat licensing violation. You were previously cited for a similar violation in the following orders:

- Correction Order dated September 30, 2019
- Correction Order dated July 10, 2019

8. **Violation:** All crib brand names and model numbers were not checked annually against the U.S. Consumer Product Safety Commission website listing of unsafe cribs.

Crib brand names and model numbers were not checked in 2021. Although there was documentation that an annual review occurred, it was not documented whether the cribs were determined to be safe or unsafe during that review. (Infant classroom)

“Annual or “annually” means prior to or within the same month of the subsequent calendar year.

Citation: Minnesota Statutes, section 245A.146, subdivision 3.

9. **Violation:** The program did not comply with the requirements for reducing the risk of sudden unexpected infant death. The center did not ensure that there was nothing in the crib with an infant younger than one year of age, except for the infant's pacifier.

An activity board was strapped to the crib railings and was facing inside a crib. (Infant classroom)

Citation: Minnesota Statutes, section 245A.1435, paragraph (b).

Repeat Violation: This is a repeat licensing violation. You were previously cited for a similar violation in a Correction Order dated September 30, 2019.

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10. Violation: The program did not comply with the requirements for naps and rest. Cribs were not placed with clear aisles and unimpeded access for both adults and children on at least one side.

Crib #3 was not accessible on one full side. (Infant classroom)

Citation: Minnesota Rules, part 9503.0050, subpart 4.

Repeat Violation: This is a repeat licensing violation. You were previously cited for a similar violation in a Correction Order dated September 30, 2019.

PHYSICAL ENVIRONMENT

11. Violation: The program was not operating within the terms of the license. A 13-year-old child was in attendance in the School Age 2 classroom on May 10, 2022. The program is licensed to serve children through 12 years of age. (School Age 2 classroom)

Citation: Minnesota Statutes, section 245A.04, subdivision 7a, paragraph (a).

12. Violation: The program did not comply with cleanliness requirements; the indoor space was not clean (Preschool 2 classroom and Toddler classroom).

- There was a dirty baby bottle on the tool bench in the Preschool 2 classroom.
- There were several ants crawling over the padded shape mat in the Toddler classroom.

As defined in Minnesota Rules, part 9503.0005, subpart 9, clean means 'free from dirt or other contaminants that can be detected by sight, smell, or touch.'

Citation: Minnesota Rules, part 9503.0140, subpart 9.

Repeat Violation: This is a repeat licensing violation. The license holder was cited for a similar violation in a Correction Order dated September 30, 2019.

13. Violation: Areas used by the children were not in good repair.

- Tape securing the paneling on a half wall in the Preschool 2 classroom was peeling and detaching from the wall.
- The door handle on the main door to the Preschool 2 classroom was broken, causing the door not to latch.
- There was one ceiling tile in the women's bathroom, used by children, which had a large hole with crumbling edges, and another ceiling tile that was bulging and stained with a blackish green substance. (Facility)
- The carpet on the wall trim behind the main exit door was fraying. (Toddler classroom)

Citation: Minnesota Rules, part 9503.0140, subpart 20.

Repeat Violation: This is a repeat licensing violation. You were previously cited for a similar violation in the following orders:

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- Correction Order dated September 30, 2019
- Correction Order dated July 10, 2019
- Correction Order dated March 28, 2019

14. Violation: A minimum of 35 square feet of indoor space was not available for each child in attendance.
- On May 10, 2022, the DHS licensors observed 16 school age children in the School Age 1 classroom. The School Age 1 classroom has a maximum capacity of 13 children.
 - At approximately 5:25 pm on May 10, 2022, the DHS licensors observed 22 preschool children in the Preschool 2 classroom. The Preschool 2 classroom has a maximum capacity of 20 children.

Citation: Minnesota Rules, part 9503.0155, subpart 9.

Repeat Violation: This is a repeat licensing violation. You were previously cited for a similar violation in the following orders:

- Correction Order dated September 30, 2019
- Correction Order dated July 10, 2019

15. Violation: Electrical outlets were not tamper-proof or shielded.
- One outlet in the dramatic play area was not shielded. (Toddler classroom)
 - One outlet in the back hallway that children use to access the playground was unshielded. (Facility)
 - One outlet behind a crib on the front wall was unshielded. (Infant classroom: ~~Infant classroom~~)

Citation: Minnesota Rules, part 9503.0155, subpart 11.

16. Violation: The posted procedures for emergency and accidents were:
- missing persons responsible for each area (School Age 2 classroom and Toddler classroom);
 - missing primary and secondary exits (School Age 2 classroom and Toddler classroom);
 - missing location of tornado shelter area (School Age 2 classroom and Toddler classroom); and
 - missing building evacuation routes (School Age 2 classroom and Toddler classroom).

Citation: Minnesota Rules, part 9503.0140, subpart 21.

HAZARDS

17. Violation: The DHS licensor observed that hazardous objects were accessible to children.
- A bottle of hand sanitizer was stored on a low countertop in the entryway of the program.
 - A broken bookshelf was stored in the back hallway where children exit the program to go to the playground. (Facility)

Citation: Minnesota Rules, part 9503.0140, subpart 17; and Minnesota Statutes, section 245A.66, subdivision 2, paragraph (e).

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Repeat Violation: This is a repeat licensing violation. You were previously cited for a similar violation in the following orders:

- Correction Order dated September 30, 2019
- Correction Order dated July 10, 2019
- Correction Order dated March 28, 2019

HEALTH AND SAFETY

18. Violation: The program was using a common basin or hand sink filled with standing water for children's hand washing. On May 10, 2022, the DHS licensor observed multiple toddler children's hands being washed in a bin with water after eating dinner. (Toddler classroom)

Citation: Minnesota Rules, part 9503.0140, subpart 13.

19. Violation: Meals did not comply with the nutritional requirements of the USDA. It was determined through a conversation with an administrative staff person that children are in attendance from 12:00 to 8:00 pm on Saturdays and Sundays. The program's menu documented that lunch and PM snack are served on those days. An additional meal or snack is required. (Preschool 2 classroom)

Citation: Minnesota Rules, part 9503.0145, subpart 4.

CHILDREN'S FILES

20. Violation: A record had not been maintained at the program for each child. There was no record for 16 children (C1, C2, C3, C4, C11, C18, C19, C20, C21, C22, C23, C24, C25, C26, C27 and C28).

Citation: Minnesota Rules, parts 9503.0115; and 9503.0125

21. Violation: One of eleven (C1) children's files reviewed did not contain a current immunization record, a signed notarized statement of parental objection to the immunization, or a medical exemption.

The file was missing a current immunization record. (C1)

Citation: Minnesota Rules, parts 9503.0125, item G; and 9503.0140, subpart 5.

PERSONNEL FILES

22. Violation: A personnel record was not maintained at the program for each staff person (SP6 and SP7).

SP6 and SP7 were on site on May 9 and May 10, 2022, but no personnel records were available for these staff persons.

Citation: Minnesota Rules, part 9503.0115, item B; and Minnesota Rule, part 9503.0120.

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POLICIES AND ADMINISTRATIVE RECORDS

23. Violation: The program did not have a policy to prevent and respond to allergies.

Citation: Minnesota Statutes, section 245A.41, subdivision 1.

24. Violation: The program did not have a policy for handling and disposal of bodily fluids.

Citation: Minnesota Statutes, section 245A.41, subdivision 2.

25. Violation: The program did not comply with attendance record documentation requirements. Attendance records were not available to the commissioner.

No one on site on May 10, 2022, had access to attendance records. It was determined through a conversation with the license holder and an administrative staff person that the center director is in charge of the attendance records and is the only person who has access to those records. The DHS licensors were told by the administrative staff person that the director checks all children in as they arrive and checks them out when they leave for the day. The director was off site during the licensing visit and was not reachable to assist in accessing the attendance records. The DHS licensors were informed that the director was on site earlier in the day to check children in and would be back at the end of the day to check them out as they depart.

Citation: Minnesota Statutes, section 245A.14, subdivision 14, paragraph (a).

26. Violation: The risk reduction plan did not include specific policies and procedures to ensure adequate supervision of children at all times, with particular emphasis on supervision of school age children when using the restroom and visiting the child's personal storage space.

Citation: Minnesota Statutes, section 245A.66, subdivision 2, paragraph (f).

27. Violation: The program did not comply with the Child Care Emergency Preparedness Plan. The program did not have a written emergency plan for emergencies that requires evacuation, sheltering, or other protection of a child, such as fire, natural disaster, intruder, or other threatening situation that may pose a health or safety hazard to a child.

Citation: Minnesota Statutes, section 245A.41, subdivision 3, paragraph (a)

Immediate corrective action required

You must immediately correct the violations cited above. Submit documentation to your licensor within 30 days from when you received this order explaining how you have corrected the violations. If you fail to demonstrate substantial compliance with child care requirements or with the terms of your conditional license that are provided below, DHS may take an additional licensing action, including revocation, against your license.

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Additionally, DHS will not approve a request to increase your licensed child care services from the date of this order until the time your conditional license expires.

CONDITIONAL LICENSE TERMS

In addition to the child care licensing rules and statutes, you are required to comply with the following terms:

1. Within 15 days from receipt of this order, you must provide written notification of the conditional status of your license to all parents/legal guardians. Prior to providing the written notification to all parents/legal guardians, you must submit the written notice to your DHS licensor for approval. The notification must specify the length of time of the conditional status of your license, the reasons your license was made conditional, and must include either a copy of the Order of Conditional License or an offer to provide a copy of the order upon request.
2. On an ongoing basis while your license is on a conditional status, you must maintain a list of all newly hired employees who will have direct contact with children served by the program. The documentation required under this term must be maintained onsite and made immediately available to DHS upon request. For each individual on the list, you must document the following:
 - the individual's full name;
 - the individual's job title;
 - the date of hire;
 - the date the individual first had direct contact with children served by the program; and
 - the date the background study request was submitted to DHS.
3. Within 45 days from receipt of this order, you must ensure that all staff persons have successfully completed training as required under Minnesota Statutes, section 245A.40, as well as training on your risk reduction plan as required under Minnesota Statutes, section 245A.66, subdivision 3. You also must ensure that new hires successfully complete all applicable training. You must maintain documentation of the completed training in each staff person's personnel record.
4. You must develop a system that includes using a checklist to ensure you have a record onsite for every child enrolled in your program and each record maintains all required information as specified under Minnesota Rules, part 9503.0125. Within 30 days from receipt of this order, you must submit a copy of the checklist you will use to ensure each child has a record and contains all required documentation. On an ongoing basis while your license is on conditional status, you must complete the checklist for each child enrolled in your program and maintain a copy of the completed checklist in each child's file.
5. You must develop a system that includes using a checklist to ensure you have a personnel record onsite for every staff person in your program and ensure each personnel record maintains all required information as specified under Minnesota Rules, part 9503.0120 and all applicable training document as required under Minnesota Statutes, section 245A.40. Within 30 days from receipt of this order, you must submit a copy of the checklist you will use to ensure each staff person has a record and contains all

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required documentation. On an ongoing basis while your license is on conditional status, you must complete the checklist for each staff person in your program and maintain a copy of the completed checklist in each personnel file.

6. In addition to attendance record-keeping requirements under Minnesota Statutes, section 245A.14, subdivision 14, classroom staff must also track the attendance of children in each classroom on a daily basis so staff persons know who is in their care and how to reach each child's parent(s) and/or emergency contact if necessary. The classroom attendance documentation must include each child's first and last names, the name and contact information for the child's parent(s), and the names and telephone numbers of two persons to be contacted if a parent cannot be reached in an emergency or when there is an injury requiring medical attention.

YOUR RIGHT TO REQUEST RECONSIDERATION

You have the right to request reconsideration of this order and the cited violations. Your request must:

- Be in writing
- Clearly state that you are requesting reconsideration of the conditional license
- List each citation you are challenging and identify what is inaccurate or incomplete about the information in the order
- Supply information that is accurate or more complete
- State why you believe your license should not be on a conditional status
- Be made before the deadlines provided below

If you are mailing your request, it must be sent by certified mail and postmarked within 10 calendar days from when you received this order. If you do not meet this deadline, you lose your right to request reconsideration. The timeline to appeal began when you received this order. Please send it to:

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: Legal Unit
PO Box 64242
St. Paul, MN 55164-0242

If your request is being personally delivered, it must be received by DHS within 10 calendar days from when you received this order. Please bring it to:

Commissioner, Department of Human Services
Office of Inspector General
Licensing Division
Attention: Legal Unit
444 Lafayette Road North
St. Paul, MN 55155

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Conditional license stayed pending reconsideration

If you request reconsideration within the timeframes described above, the terms of the conditional license will not take effect until a decision is issued by DHS. If the conditional license is affirmed on reconsideration, the terms would take effect on the date of the reconsideration decision, and run for two from that date. You continue to be required to comply with all child care laws and rules.

Posting of this licensing action

You are required to place this Order of Conditional License in a place that is clearly noticeable to the people receiving services and all visitors to the facility for two years, even if you appeal.

Legal authority for this licensing action

- This action is taken under Minnesota Statutes, section 245A.06, subdivision 1.
- Commissioner's evaluation under Minnesota Statutes, section 245A.04, subdivision 6.
- Child care centers are required to follow Minnesota Rules, parts 9503.0005 to 9503.0170; and Minnesota Statutes, Chapters 245A, 245C, and 260E.
- The timeline to request reconsideration of the order is provided in Minnesota Statutes, section 245A.06, subdivision 4.
- The requirement to post this order in a clearly visible location is required under Minnesota Statutes, section 245A.06, subdivision 8.
- If a license holder files a timely reconsideration request, the terms of the conditional license are stayed pending a decision by DHS under Minnesota Statutes, section 245A.06, subdivision 4.
- Minnesota Statutes, section 245A.06, subdivision 3 states that DHS may impose additional licensing actions against a license holder that does not correct the violations cited in a conditional license order.

Questions

If you have any further questions regarding this matter, you may contact Donna Gainor, Supervisor, at 651-431-651-324-8598.

Sincerely,



Peggy Cunningham, Unit Manager
Licensing Division
Office of Inspector General