

February 5, 2024

Cassandra Jackson, Authorized Agent  
KinderCare Learning Center  
15755 Rockford Road  
Plymouth, MN 55446

License Number: 800467 (Rule 3)

Dear Cassandra Jackson:

This matter arises from an Order of Conditional License, dated March 31, 2023. On April 12, 2023, the Minnesota Department of Human Services (DHS), Licensing Division, received your request for reconsideration of 12 of the 17 citations issued in the Order of Conditional License. The violations challenged by KinderCare Learning Center ("KinderCare") are addressed below. The unchallenged violations are deemed conclusive.

**A. Reconsideration of the Citations Identified in the Order of Conditional License**

**Staff Qualifications and Training**

1. Violation: Staff distribution requirements were not maintained. A teacher or assistant teacher did not directly supervise an aide.

On December 2, 2022:

An aide was working alone in the preschool classroom supervising four children. A staff person with the qualifications of a teacher was required. (Preschool classroom)

An aide was working alone supervising two infants. A staff person with the qualifications of a teacher was required. (Infant classroom)

Two aides were working alone supervising ten children. A staff person with the qualifications of a teacher was required. (Discovery Preschool)

On March 10, 2023:

One aide was working alone in the infant classroom supervising five children. A staff person with the qualifications of a teacher was required. (Infant classroom)

Two aides were working alone supervising 14 children. A staff person with the qualifications of a teacher was required. (Discovery Preschool Toddler classroom)

Two aides were working alone supervising eight children. A staff person with the qualifications of a teacher was required. (Preschool classroom)

Rule Violated: Minnesota Rules, part 9503.0040, subpart 2, item D; and Minnesota Rules, part 9503.0034, subpart 1.

Repeat Violation: The license holder was cited for a similar violation in Correction Orders dated: September 14, 2022, May 2, 2019, December 3, 2018, and October 10, 2018.

**Your request for reconsideration:** You stated that staffing is an ongoing industry-wide issue and that you try to hire qualified teachers and try to enroll assistant teachers into child development programming. You stated that you will continue to use the unqualified sub log when unable to meet distribution requirements and will look for ways to utilize variances for current staff.

**DHS' response:** The first staff member needed to meet the required staff-to-child ratio must be a teacher, or during morning and afternoon departure times, an assistant teacher. Minnesota Rules, part 9503.0040, subpart 2, items B and D. On both December 2, 2022 and March 10, 2023, the DHS licensor observed three classrooms each day that had aides supervising children without a teacher or assistant teacher, including an infant classroom. On both days, each classroom required a teacher. Even if the DHS licensor observed these staff distribution patterns during morning or afternoon departure times, an assistant teacher, at a minimum, was required. In this case, neither an assistant teacher nor a teacher was present in any of the cited classrooms. You did not dispute the underlying violation in your request for reconsideration. The citation is affirmed.

3. Violation: The program did not have documentation on site to show that 2 of 2 (SP4 and SP5) staff persons met the:
- education requirements of the teacher job classification for which the staff person was employed (SP4 and SP5); and
  - experience requirements of the teacher job classification for which the staff person was employed (SP4 and SP5).

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

Repeat Violation: The license holder was cited for a similar violation in Correction Orders dated: September 14, 2022, May 2, 2019, and October 10, 2018.

**Your request for reconsideration:** You stated SP4 and SP5 were KinderCare staff from another KinderCare location working at this location to maintain ratio, and that SP4 and SP5 had met all required education requirements, but did not bring their staff files with them.

**DHS' response:** The license holder must ensure that a personnel record for each staff person is maintained at the center and includes the documentation that the staff person meets the minimum education and experience requirements for their job. Minnesota Rules, part 9503.0120, item B. Staff records for SP4 and SP5 were not available on site, nor were they provided to the DHS licensor on the day of the site visit. Staff other than SP4 and SP5 were also subbing that day and did have their personnel records on site. You acknowledged that SP4 and SP5 did not have personnel records at the center. The citation is affirmed.

4. Violation: Documentation was not available on site to verify that before starting assigned duties 4 of 6 (SP3, SP4, SP5 and SP6) individuals (director, staff persons, substitutes, or unsupervised volunteers) received orientation training on:
- the risk of abusive head trauma that was at least one-half hour in length as required under subdivision 5a (SP3, SP4, SP5 and SP6);
  - allergy prevention and response as required by Minnesota Statutes, 245A.41, subdivision 1 (SP3, SP4, SP5 and SP6);
  - behavior guidance policy standards in Minnesota Rules, part 9503.0055 (SP3, SP4, SP5 and SP6);
  - the child care program plan and center's philosophy (SP3, SP4, SP5 and SP6);
  - emergency preparedness as required by Minnesota Statutes, 245A.41, subdivision 3. (SP3, SP4, SP5 and SP6);
  - handling and disposal of bodily fluids as required by Minnesota Statutes, 245A.41, subdivision 2 (SP3, SP4, SP5 and SP6);
  - handling emergencies and accidents according to Minnesota rules, part 9503.0110 (SP3, SP4, SP5 and SP6);
  - procedures for maintaining health and safety according to Minnesota Rules, part 9503.0140 (SP3, SP4, SP5 and SP6);
  - specific job responsibilities (SP3, SP4, SP5 and SP6);
  - program's drug and alcohol policy under section 245A.04, subdivision 1, paragraph (c) (SP3, SP4, SP5 and SP6);
  - reporting responsibilities in Minnesota Statutes, chapter 260E (MOMA) and 9503.0130 (SP3, SP4, SP5 and SP6);
  - program's risk reduction plan as required under section 245A.66, subdivision 2 (SP3, SP4, SP5 and SP6); and
  - sudden unexpected infant death that was at least one half hour in length as required in subdivision 5 (SP3 and SP6).

Rule Violated: Minnesota Statutes, section 245A.40, subdivision 1; and Minnesota Statutes, section 245A.04, subdivision 14, paragraph (b) (1).

Repeat Violation: The license holder was cited for a similar violation in Correction Orders dated: September 14, 2022, and May 2, 2019.

**Your request for reconsideration:** You stated that SP4 and SP5 were subbing from another KinderCare center, that they had completed the training, but did not have their files with them and documentation was not available on-site. However, you stated that you could have scanned and sent the documentation over.

**DHS' response:** You only request reconsideration with regards to SP4 and SP5. You did not dispute the violation as to SP3 and SP6.

License holders must ensure that staff, substitutes, and volunteers complete orientation training before starting assigned duties, including the training detailed in the citation. Minnesota Statutes, section 245A.40, subdivision 1. All training must be documented and maintained on site in each personnel record. Minnesota Statutes, section 245A.40, subdivision 10. SP4 and SP5 were staff persons and

required the training, documentation of which was required to be maintained on site. While you state that SP4 and SP5 met the training requirements, the specific violation is for not maintaining documentation on site. You acknowledged that documentation was not available on site. While you stated that the documentation could have been scanned and sent over, the documentation was not provided to the DHS licensor in any form during the site visit. The citation is affirmed.

5. **Violation:** The program did not comply with cardiopulmonary resuscitation (CPR) training requirements. Documentation was not available on site to show that 2 of 4 (SP4 and SP5) 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 the previous two years (SP4 and SP5).

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

**Repeat Violation:** The license holder was cited for a similar violation in a Correction Order dated September 14, 2022.

**Your request for reconsideration:** You stated that SP4 and SP5 were subbing from another KinderCare center and that they had completed the training.

**DHS' response:** Staff persons must complete pediatric CPR training every two years, and before having unsupervised direct contact with a child. Minnesota Statutes, section 245A.40, subdivision 4. The training must be documented and maintained on site in each personnel record. Minnesota Statutes, section 245A.40, subdivision 10; Minnesota Rules, part 9503.0120, subpart D. While you state that SP4 and SP5 met the training requirements, the documentation of that training must be maintained on site. The documentation was not available nor provided to the DHS licensor in any form during the site visit. The citation is affirmed.

6. **Violation:** The program did not comply with first aid training requirements. Documentation was not available on site to show that 2 of 4 (SP4 and SP5) individuals (director, staff persons, substitutes, or unsupervised volunteers) completed pediatric first aid training within the previous two years (SP4 and SP5).

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

**Repeat Violation:** The license holder was cited for a similar violation in a Correction Order dated September 14, 2022.

**Your request for reconsideration:** You stated that SP4 and SP5 were subbing from another KinderCare center and that they had completed the training.

**DHS' response:** Staff persons must complete pediatric first aid training every two years, and before having unsupervised direct contact with a child. Minnesota Statutes, section 245A.40, subdivision 3. The training must be documented and maintained on site in each personnel record. Minnesota

Statutes, section 245A.40, subdivision 10; Minnesota Rules, part 9503.0120, subpart D. While you state that SP4 and SP5 met the training requirements, the documentation of that training is required to be maintained on site. The documentation was not available nor provided to the DHS licensor in any form during the site visit. The citation is affirmed.

7. Violation: The program did not comply with child development and learning training requirements. Documentation was not available on site to show that 2 of 3 (SP4 and SP5) individuals (director, staff persons, substitutes, or unsupervised volunteers) completed training that was at least two hours in length (SP4 and SP5).

Rule Violated: Minnesota Statutes, section 245A.40, subdivision 2.

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated September 14, 2022.

**Your request for reconsideration**: You stated that SP4 and SP5 were subbing from another KinderCare center and that they had completed the required training.

**DHS' response**: Staff persons must complete two hours of child development and learning training within the first 90 days of employment. Minnesota Statutes, section 245A.40, subdivision 2. The training must be documented and maintained on site in each personnel record. Minnesota Statutes, section 245A.40, subdivision 10; Minnesota Rules, part 9503.0120, subpart C. While you state that SP4 and SP5 met the training requirements, documentation of the training must be maintained on site. SP4 and SP5 were staff persons and required the training, documentation of which was required to be maintained on site. The documentation was not available nor provided to the DHS licensor in any form during the site visit. The citation is affirmed.

## Physical Environment

9. Violation: The program did not comply with cleanliness requirements; the indoor space was not clean (Discovery Preschool and Infant classroom).

Cots were stored in the children's bathroom near the toilets. This was not a clean and sanitary way to store cots. (Discovery Preschool)

The food preparation sink was dirty with food residue. (Infant 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.'

Rule/Statute Violated: Minnesota Rules, part 9503.0140, subpart 9.

Repeat Violation: The license holder was cited for a similar violation in Correction Orders dated: September 14, 2022; February 4, 2022; June 26, 2019; and May 2, 2019.

**Your request for reconsideration:** You stated that the licensor witnessed a cot being stored in the children's bathrooms, but that it was only placed there to keep it away from children while it was pending sanitization after a child had an accident on it.

**DHS' response:** The indoor and outdoor space and equipment of the center must be clean. Minnesota Rules, part 9503.0140, subpart 9. Clean means 'free from dirt or other contaminants that can be detected by sight, smell, or touch. Minnesota Rules, part 9503.0005, subpart 9. You only requested reconsideration as the citation relates to the cots being stored in the bathroom. You did not request reconsideration on any other portion of the citation.

While you stated that a cot was stored in the bathroom because a child had soiled it and the cot was pending sanitation, the licensor saw three cots stored in the bathroom. In addition, the licensor observed the cots at approximately 9:49 a.m. on the day of the site visit, well before nap time. If a cot were soiled, it would have occurred the previous day. Finally, the cots were accessible to children who were using that bathroom. The record supports finding that given the circumstances, the storage of the cots in the bathroom did not meet cleanliness requirements. The citation is affirmed.

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

One toilet paper holder was broken in the Discovery Preschool children's bathroom. One toilet paper holder was broken in the Preschool children's bathroom. (Preschool classroom and Discovery Preschool)

The electrical outlet in the hallway outside the Discovery Preschool classroom was missing the outlet plate cover. (Facility)

Rule/Statute Violated: Minnesota Rules, part 9503.0140, subpart 20.

Repeat Violation: The license holder was cited for a similar violation in Correction Orders dated: September 14, 2022; February 4, 2022; June 4, 2020; and May 2, 2019.

**Your request for reconsideration:** You stated that KinderCare has invested over \$90,000 in the center over the past six months to replace flooring, toilets, equipment, and supplies; however, the toilets and toilet paper holders took longer than anticipated to arrive, and that the toilet paper holders have since been replaced.

**DHS' response:** You did not dispute that the toilet paper holders were broken, but explained why they were not replaced sooner. You did not dispute the violation as it relates to the electrical outlet.

The areas used by children must be free from debris, loose flaking, peeling, or chipped paint, loose wallpaper, or crumbling plaster, litter, and holes in the walls, floors, and ceilings. Rugs must have a nonskid backing or be firmly fastened to the floor and be free from tears, curled or frayed edges, and hazardous wrinkles. Minnesota Rules, part 9503.0140, subpart 20. In addition, equipment and furniture must be durable, in good repair, structurally sound and stable following assembly and installation. Minnesota Rules, part 9503.0140, subpart 19. In this case, the DHS licensor observed that the toilet

paper holders were missing and broken. You did not dispute that they were broken. The citation was affirmed.

11. Violation: Electrical outlets were not tamper-proof or shielded. The outlet in the hallway outside the Discovery Preschool classroom was unshielded. (Facility).

Rule/Statute Violated: Minnesota Rules, part 9503.0155, subpart 11.

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated June 4, 2020.

**Your request for reconsideration**: You stated that the outlet had been left uncovered by a contractor, and it was fixed the same day that it was brought to the center director's attention. You also stated that the unshielded outlet was not in a licensed room, but in the lobby.

**DHS' response**: Except in a center that serves only school-age children, electrical outlets must be tamper-proof or shielded when not in use. Minnesota Rules, part 9503.0155, subpart 11. Since the center does not serve exclusively school-age children, all electrical outlets must be tamper-proof or shielded when not in use. You admit that the outlet was left unshielded. While you state that the outlet was not in a licensed room, it was in a hallway, right outside the Discover Preschool classroom, and accessible to children. The hallway is also part of the facility's licensed space. The citation is affirmed.

## Hazards

12. Violation: The DHS licensor observed that hazardous objects were accessible to children.

Cots were stored propped lengthwise against a wall in the toddler bathroom, posing a tipping hazard. (Discovery Preschool classroom)

A roll of plastic bags was stored on the bathroom floor accessible to children. (Preschool classroom)

Two spray bottles labeled "disinfectant/sanitizer" were stored accessible to children. One spray bottle was stored on a toy shelf and one spray bottle was stored on a chair. (Pre-K/School-age classroom)

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

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated September 14, 2022.

**Your request for reconsideration**: You did not dispute any of the cited issues, and instead stated that you train your staff to clean throughout the day and require them to use a cleaning checklist.

**DHS' response:** Hazardous objects must be stored out of reach of children. Minnesota Rules, part 9503.0140, subpart 17. Licensed child care centers must develop a risk reduction plan that prohibits the accessibility of hazardous items to children. Minnesota Statutes, section 245A.66, subdivision 2, paragraph (e). The DHS licensor observed that the items cited in the violation were accessible to children as described. You did not dispute that any of these items were accessible to children. The citation is affirmed.

### Children's Files

15. Violation: The program did not develop an Individual Child Care Program Plan for one of one (C5) children's files reviewed with a known allergy.

Rule/Statute Violated: Minnesota Statutes, section 245A.41, subdivision 1, paragraph (a).

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated June 4, 2020.

**Your request for reconsideration:** You stated that the center director was not aware at enrollment that CP5 had an allergy.

**DHS' response:** The program did not develop an Individual Child Care Program Plan for C5's allergies when required to do so. Minnesota Statutes, section 245A.41, subdivision 1, paragraph (a) details allergy prevention requirements:

Before admitting a child for care, the license holder must obtain documentation of any known allergy from the child's parent or legal guardian or the child's source of medical care. If a child has a known allergy, the license holder must maintain current information about the allergy in the child's record and develop an individual child care program plan as specified in Minnesota Rules, part 9503.0065, subpart 3.

In this case, C5's file contained documentation of allergies (Child Care Health History form date October 10, 2020). In addition, the current director and classroom staff were aware of the allergy. The allergy list in C5's classroom included a picture of C5 and identified his/her allergies. The record is sufficient to determine that the program was aware that C5 had allergies, but did not develop an ICCP as required. The citation is affirmed.

### Health Practices

17. Violation: On January 24, 2023, food allergy information was not readily available to staff where food is prepared and served.

Rule/Statute Violated: Minnesota Statutes, section 245A.41, subdivision 1, paragraph (d).

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated June 4, 2020.

**Your request for reconsideration:** You stated that food allergy information was readily available, it was posted on a cabinet in the kitchen.

**DHS' response:** A child's food allergy information must be readily available to a staff person in the area where food is prepared and served to the child. Minnesota Statutes, section 245A.41, subdivision 1, paragraph (d). The issue here is not the location of the allergy information, but that a specific child's allergy information was not included with the rest of the allergy information. Neither the list in the kitchen (where the food was prepared) nor the list in the classroom (where the food was served) included C4's allergy information. The citation is affirmed.

## **B. Reconsideration of the Conditional License**

Under Minnesota Statutes, section 245A.06, subdivision 1, when issuing a conditional license, the Commissioner must consider the nature, chronicity, or severity of the violation of the law or rule and the effect of the violation on the health, safety, or rights of persons served by the program.

In its request for reconsideration, KinderCare challenged 12 of the 17 citations and requested that the Conditional License be rescinded. While KinderCare challenged the basis for many citations by stating that the issues have since been remedied, or were mere oversight by staff, this did not change the fact that in every one of the citations, the violations occurred and were affirmed. Of the 12 challenged citations, all were found to be supported by the record and affirmed. In total, 17 citations were either unchallenged or affirmed on reconsideration.

KinderCare's recent licensing history shows that many of the violations identified and affirmed here were repeat violations that were previously cited via correction order.

- On May 2, 2019, KinderCare was issued a correction order that identified 17 violations, 15 of which were repeat violations.
- On June 26, 2019, KinderCare was issued a Determination of Maltreatment and Order to Pay a Fine.
- On June 4, 2020, KinderCare was issued a correction order that identified 12 violations, one of which was a repeat violation.
- On February 4, 2022, KinderCare was issued a correction order that identified two violations, both of which were repeat violations.
- On September 7, 2022, KinderCare was issued an Order to Pay a Fine for two background study violations.
- On September 14, 2022, KinderCare was issued a correction order that identified 18 violations, six of which were repeat violations.
- On December 14, 2022, KinderCare was issued an Order to Pay a Fine for one background study violation.
- On March 10, 2023, KinderCare was issued a correction order that identified 24 violations, 10 of which were repeat violations.
- The present Order of Conditional License identified 17 violations, 15 of which were previously cited via correction order or fine.

The significant number of repeat violations indicates that KinderCare can benefit from additional compliance and licensing support. All but three repeat violations were identified and cited in a correction order issued on September 14, 2022, just three months before the site visit that preceded the Order of Conditional License. This indicates that KinderCare is not correcting violations even as the program has reported to DHS that they have remedied the issues. DHS relies on license holders to accurately report information regarding its operations, when a license holder is unable to do so, as in this case, additional oversight is needed.

The Commissioner has considered the nature, chronicity, and severity of the licensing violations and determined that a conditional license is warranted. Based on the number and serious nature of the violations, as well as the chronicity of the repeat violations, the Commissioner believes the program can benefit from additional oversight to ensure it can gain and continue compliance with licensing regulations.

Based on the following factors, the Commissioner has determined that the record supports the Order of Conditional License:

- **Staff Qualifications and Training**

DHS identified seven violations related to staff qualifications and training, including the failure to maintain documentation of completed staff training on-site. The violations also identified repeated issues related to staffing: KinderCare failed to maintain the required staff-to-child ratios and failed to have enough teachers to meet the staff distribution requirements in multiple classrooms on multiple site visits. In addition, staff-to-child ratios and staff distribution requirements are critical to ensuring that children are adequately supervised. KinderCare had been previously cited for violations related to staff-to-child ratios and staff distribution requirements violations in four prior correction orders. Violations related to staff qualifications and training were cited at least once previously. These violations alone warrant a conditional license.

- **Infant Care**

DHS cited one violation related to failure to complete monthly crib inspections. This was the second time in one year that KinderCare was cited for a similar violation. While this violation alone may not warrant a conditional license, taken as a whole with the other violations, as well as the repeat nature of this violation, it supports the conditional license order.

- **Physical Environment**

DHS cited three violations related to the state of the physical environment. KinderCare had violations for storing cots near the toilets in a bathroom, a dirty food preparation sink, broken toilet paper holders, and electrical outlets without proper protection. KinderCare had been cited for violations related to cleanliness in four correction orders in the four years prior. It had been cited for violations related to maintaining the program's equipment and items in good repair in four correction orders over the four years prior. While these violations alone may not warrant a conditional license, taken as a whole with the other violations, they support the conditional license order.

- **Hazards**

DHS cited one violation related to hazardous objects being accessible to children in three separate locations. In this case, there was a tipping hazard when cots were propped length-wise against a bathroom wall, choking hazards when plastic bags were stored accessible to children on a bathroom floor, and another hazard when two disinfectant spray bottles were left out accessible to children on a chair and a toy shelf. This violation is particularly concerning because KinderCare was cited for a similar violation just a few months prior on September 14, 2022, yet did not correct the issue. While this violation alone may not warrant a conditional license, taken as a whole with the other violations, however, it supports the conditional license order.

- **Children's Files**

DHS cited four violations related to children's files. One was a repeat issue from just a few months prior involving missing immunization information. That violation is particularly concerning because after the Commissioner issued a Correction Order with the violation for missing immunization information, KinderCare responded and stated that they have audited all files and created a checklist to ensure that all required items are received for enrolled children. DHS also cited violations related to missing physical examination records within 30 days of enrollment, and missing allergy information for two children. While these violations alone may not warrant a conditional license, taken as a whole with the other violations, however, they support the conditional license order.

- **Health Practices**

DHS cited one violation related to health practices. The program failed to post the allergy information for a child in the spaces where food is prepared and served. The potential severity of an allergy incident is serious enough to require posting the information to ensure that staff are aware of any children's allergy information so they can identify and avoid specific triggers and identify and respond appropriately to an allergic reaction. While this violation alone may not warrant a conditional license, taken as a whole with the other violations, however, it supports the conditional license order.

- Based on the specific factors above, an Order of Conditional License is warranted to ensure that KinderCare understands the relevant licensing requirements and can come fully into compliance. Due to the need to monitor KinderCare for compliance with applicable licensing laws and rules, and to ensure the health and safety of children served by the program, the Commissioner affirms the March 31, 2023 Order of Conditional License.

The period of the conditional license is two years, beginning on the date of this letter. Because the terms of your conditional license were stayed pending a decision on your request for reconsideration, the terms of the conditional license begin from the date of receipt of this letter.

### **C. Terms of the Conditional License**

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. On a monthly basis, while your license is on conditional status, you must complete staffing patterns that identify every staff person and his/her job title included in the staff-to-child ratio for each classroom and maintain all completed staffing patterns onsite. The staffing information must be documented on the enclosed form titled "Staffing Patterns," must be completed separately for each classroom, and must include the total number of children in attendance each hour for each classroom. The documentation must include the time each person takes their break, if applicable, and identify the name of the person who replaces them. Staffing patterns must be completed at the beginning of each month and made immediately available to the Commissioner upon request.

Within 30 days from the receipt of this order, you must develop a plan to ensure staff-to-child ratios are maintained at all times and submit the plan to your licensor for approval.

Your licensor will monitor your compliance with all applicable laws and rules. Verification of compliance may include unannounced visits. Failure to comply with the requirements in Minnesota Rules, parts 9503.0005 to 9503.0170 (DHS Rule 3), Minnesota Statutes, chapter 245A (Human Services Licensing Act), Minnesota Statutes, chapter 245C (Human Services Background Study Act), Minnesota Statutes, chapter 260E (Reporting of Maltreatment of Minors) and with the terms of your conditional license may result in further negative action, including revocation of your license.

#### **D. POSTING THE ORDER OF CONDITIONAL LICENSE**

Under Minnesota Statutes, section 245A.06, subdivision 8, you must post the Order of Conditional License in a place that is conspicuous to the people receiving services and all visitors to the facility for two years.

Cassandra Jackson, Authorized Agent

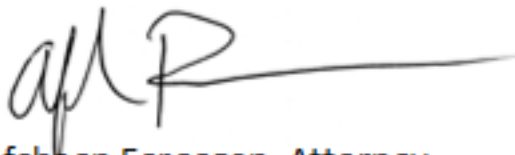
February 5, 2024

Page 13

This is a final agency decision and is subject to further review only by the Minnesota Court of Appeals. **Please note that there are time limits for seeking review by the Minnesota Court of Appeals. See Minnesota Statutes, Chapter 606, and Minnesota Rules of Civil Appellate Procedure, Rule 115.**

If you have any questions regarding the Order of Conditional License, please contact Donna Gainor, Unit Supervisor, at (651) 431-6529.

Sincerely,

A handwritten signature in black ink, appearing to read 'AFS' followed by a long horizontal line extending to the right.

Afsheen Foroozan, Attorney  
Legal Counsel's Office  
Office of Inspector General