

June 5, 2024

Farhiya Mohamed Yusuf, Authorized Agent
Wabasha Learning Center LLC
115 Wabasha St S, Ste 102
St. Paul, MN 55107

License Number: 1114859 (Rule 9503)

ORDER OF CONDITIONAL LICENSE

Dear Farhiya Mohamed Yusuf:

The Department of Human Services (DHS) is placing your license to provide child care services at Wabasha Learning Center LLC located at 115 Wabasha St S, Ste 102, St. Paul, MN 55107, on conditional status for two years, beginning June 15, 2024. 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 March 14, 2024, DHS licensors conducted a licensing review at your facility located at 115 Wabasha St S, Ste 102, St. Paul, MN 55107. 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 33 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 March 14, 2024, a DHS licensor determined 33 licensing violations. Ten of the thirty-four 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 (background study violations were addressed in a separate Order to Pay a Fine on April 23, 2024)
 - Requirements to supervise children
 - Infant safe sleep requirements
 - Staff distribution requirements

- Cleanliness requirements
 - Children's file requirements
 - Age group category requirements
 - Hand washing requirements
 - Health consultant requirements
 - Fire drill requirements
- **Chronicity:** Your program received its license on March 23, 2023. Since that time, your program has demonstrated a history of noncompliance with licensing rules and statutes. The information below summarizes this history:
 - June 5, 2024 Conditional License (this order): 33 violations (10 repeat)
 - April 23, 2024 - Order to Pay a Fine 2 background study violations (\$400)
 - January 9, 2024 - Order to Pay a Fine 1 background study violation (\$200)
 - December 8, 2023 - Correction Order: 6 violations (4 repeat)
 - September 14, 2023 - Correction Order: 14 violations

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

Licensing Violations

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

PROGRAM PRACTICES

1. **Violation:** Staff distribution requirements were not maintained. A teacher or assistant teacher did not directly supervise an aide. At approximately 3:35 p.m., the DHS licensor observed an aide alone with four children in the Infant classroom. One child was in the classroom with the staff person and three children were in the attached crib room. (Infant classroom)

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

Repeat Violation: The license holder was cited for a similar violation in the following order(s):

- A Correction Order dated December 8, 2023
 - A Correction Order dated September 14, 2023
2. Violation: During the program's regular hours of operation, infants were mixed with other age categories. At approximately 3:35 pm, the DHS licensor observed an infant, a toddler, and two preschoolers combined in the Infant classroom and crib room. (Infant classroom)

Rule Violated: Minnesota Rules, part 9503.0040, subpart 3, item B, (1)

3. Violation: Staff did not supervise the children at all times (Infant classroom and Facility).
- At approximately 3:35 pm, the DHS licensor observed a staff person lying on the floor in the Infant classroom with their eyes closed. The staff person's back was to the Infant crib room which is separated by a doorway. A toddler and two preschool aged children were sleeping on cots in the infant crib room alone and unsupervised. (Infant classroom)
 - On multiple occasions during the site visit, the DHS licensor observed school age children walking between the two School Age classrooms and into the Toddler classroom alone and unsupervised. (Facility)

Supervision occurs when a program staff person is accountable for the child's care and is within sight and hearing of a child at all times, so that the program staff person can intervene to protect the health and safety of the child.

Rule/Statute Violated: Minnesota Statutes, section 245A.02, subdivision 18 and Minnesota Rules, part 9503.0045, subpart 1, item A

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated September 14, 2023.

HEALTH PRACTICES

4. Violation: A child's hands were not washed with soap and water before eating. The DHS licensors observed children being served snack. The children's hands were not washed prior to eating. (School Age 2 classroom).

Rule Violated: Minnesota Rules, part 9503.0140, subpart 13

5. Violation: A staff person did not wash their hands with soap and water before handling food or eating. The DHS licensors observed children being served snack. A staff person did not wash his/her hands prior to serving food (School Age 2 classroom).

Rule Violated: Minnesota Rules, part 9503.0140, subpart 14

6. Violation: The health consultant's monthly review of the infant health policies and practices was not completed monthly. The health consultant's monthly review was not completed in September, October, November, and December of 2023 and January and February of 2024.

Rule Violated: Minnesota Rules, part 9503.0140, subpart 2

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated September 14, 2023

FOOD AND WATER

7. Violation: Staff did not wash tables used for meals with soap and water as required. The DHS licensors observed children being served snack. The tables in the School Age 2 classroom were not washed prior to the meal (School Age 2 classroom).

Rule Violated: Minnesota Rules, part 9503.0145, subpart 3

8. Violation: Menus did not comply with the nutritional requirements of the USDA. Menus did not include the type of milk (whole, 1%, skim). The menu indicated that 1% milk is served to children. Children under the age of 2 years must be served whole milk.

Rule Violated: Minnesota Rules, part 9503.0145, subpart 2

9. Violation: The program did not have a complete menu available on site. The program was operating from 7:00 am to 10:00 pm., but the posted menus did not include the required meals of breakfast and lunch.

Rule Violated: Minnesota Rules, part 9503.0145, subpart 2

MEDICATION/FIRST AID

10. Violation: Written parental permission had not been obtained for administering:
 - o diaper products;
 - o sunscreen lotions; and
 - o insect repellents.

The form granting permission to administer diaper products, sunscreen lotions, and insect repellents for C3 contained dates but no parent signatures.

Rule Violated: Minnesota Rules, part 9503.0140, subpart 7, item A

FACILITY

11. Violation: The program did not comply with cleanliness requirements. The indoor space was not clean.
- The light switch in the Infant Nap room was visibly dirty. (Infant classroom)
 - There was a toilet brush being stored in the bathroom stall in the boys' bathroom and in the handicap stall in the girls' bathroom. This is not a clean and sanitary way to store toilet brushes. (Facility)
 - There was a toilet plunger being stored in the small bathroom stall in the girls' bathroom. This is not a clean and sanitary way to store plungers. (Facility)
 - The outlet cover in the preschool classroom was visibly dirty. (Preschool 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 Violated: Minnesota Rules, part 9503.0140, subpart 9

Repeat Violation: The license holder was cited for a similar violation in the following order(s):

- A Correction Order dated December 8, 2023
- A Correction Order dated September 14, 2023

12. Violation: Children did not have access to toilet paper. There was no toilet paper available in the boys' and girls' bathrooms. (Facility)

Rule Violated: Minnesota Rules, part 9503.0140, subpart 15

13. Violation: Equipment and furniture were not in good repair. The bottom of the changing table in the toddler classroom was broken and bowing out. (Toddler classroom)

Rule Violated: Minnesota Rules, part 9503.0140, subpart 19

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated December 8, 2023.

14. Violation: Electrical outlets were not tamper-proof or shielded.
- Two outlets in the Infant Nap room were unshielded. (Infant classroom)
 - One outlet in the toddler classroom was unshielded. (Toddler classroom)
 - One outlet in the preschool classroom was not shielded. (Preschool classroom)

Rule Violated: Minnesota Rules, part 9503.0155, subpart 11

15. Violation: The program did not comply with annual fire extinguisher inspection requirements. The fire extinguishers at the program had a repair tag but not an inspection tag verifying annual service by a qualified inspector.

Rule Violated: Minnesota Rules, part 9503.0155, subpart 16

POSTINGS

16. Violation: The posted procedures for emergency and accidents were missing one or more phone numbers or sources of emergency medical and dental care, poison control, fire department, health authority, or the Department of Human Services, Division of Licensing (Infant classroom).

Rule Violated: Minnesota Rules, part 9503.0140, subpart 21

17. Violation: The license holder did not post a licensing action in a conspicuous place for the required two years. On March 14, 2024, the Order to Pay a Fine issued on January 9, 2024, was not posted in the facility.

Statute Violated: Minnesota Statutes, section 245A.07, subdivision 5

INFANT AND TODDLER CARE

18. Violation: Each infant's feeding schedule was not available in the food preparation area. It was determined through conversations with staff persons that staff decide when and how much children eat. Documentation of the infants' feeding schedule was not available in the classroom where food is prepared. (Infant classroom).

Rule Violated: Minnesota Rules, part 9503.0145, subpart 7, item B

19. Violation: The required crib safety inspections were not completed on a monthly basis. Crib safety inspections were not completed in November and December of 2023 and January and February of 2024. (Infant classroom)

Statute Violated: Minnesota Statutes, section 245A.146, subdivision 4

20. Violation: The program did not comply with the requirements for reducing the risk of sudden unexpected infant death. The program did not place each infant to sleep in a crib directly on a firm mattress with a fitted crib sheet that fits tightly on the mattress and overlaps the mattress so it cannot be dislodged by pulling on the corner with reasonable effort.

- Upon arrival, the DHS licensor observed an infant sleeping on the floor next to a staff person who was lying on the floor. Upon entering the classroom, the DHS licensor observed the staff person place the infant to sleep in a bouncy seat. (Infant classroom)

During the site visit, there were no fitted sheets on the crib mattresses. Two infants were in attendance. (Infant classroom)

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

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated September 14, 2023.

EQUIPMENT AND SUPPLIES

21. Violation: The minimum amount of equipment specified for an age category was not accessible every day to the children of that age category. Musical instruments, arts and crafts supplies, and manipulative toys were stored on a high shelf out of reach of children in the School Age 1 classroom. The DHS licenser determined through a conversation with a staff person that the equipment stored on a high shelf was not offered on a daily basis but only brought down when requested by a child. (School Age 1 classroom)

Rule Violated: Minnesota Rules, part 9503.0060, subpart 1

DOCUMENTATION LOGS

22. Violation: The program did not have:
- o documentation of a fire drill; and
 - o documentation of a tornado drill.

There was no documentation to show that a fire drill was completed in December of 2023, and January and February of 2024.

Rule Violated: Minnesota Rules, part 9503.0110, subpart 3, items D and E and subpart 4, item B

23. Violation: The program was not maintaining a written record of accidents, injuries, incidents, and emergencies. It was determined through a conversation with an administrative staff person that accident logs were not being kept.

Rule Violated: Minnesota Rules, part 9503.0110, subpart 4, item C

BACKGROUND STUDIES

24. Violation: One of one (SP11) individuals (director, staff persons, substitutes, or unsupervised volunteers), who had their background study submitted after September 30, 2019, were working in the program before the program received a notice from the commissioner stating that the individual was not disqualified or that the background study needed more time to be completed. On the day of the site visit, SP11 was observed alone in the Infant classroom with four children. A background study clearance had not been received for SP11. (SP11)

Statute Violated: Minnesota Statutes, section 245C.13, subdivision 2

STAFF QUALIFICATIONS

25. Violation: The program did not have documentation on site to show that 2 of 10 (SP5 and SP11) staff persons met the:
- o education requirements of the teacher job classification for which the staff person was employed (SP5); and
 - o experience requirements of the teacher job classification for which the staff person was employed (SP11).

The CDA certificate in the file for SP5 was expired. Documentation of a CDA renewal was not on site. (SP5)

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

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated December 8, 2023.

STAFF TRAINING

26. Violation: Documentation was not available on site to verify that before starting assigned duties 1 of 9 (SP11) individuals (director, staff persons, substitutes, or unsupervised volunteers) received orientation training on:
- o the risk of abusive head trauma that was at least one half hour in length as required under subdivision 5a (SP11);
 - o allergy prevention and response as required by Minnesota Statutes, 245A.41, subdivision 1 (SP11);
 - o behavior guidance policy standards in Minnesota Rules, part 9503.0055 (SP11);
 - o the child care program plan and center's philosophy (SP11);
 - o emergency preparedness as required by Minnesota Statutes, 245A.41, subdivision 3. (SP11);
 - o handling and disposal of bodily fluids as required by Minnesota Statutes, 245A.41, subdivision 2 (SP11);
 - o handling emergencies and accidents according to Minnesota rules, part 9503.0110 (SP11);
 - o procedures for maintaining health and safety according to Minnesota Rules, part 9503.0140 (SP11);
 - o a child's individual child care program plan as required under Minnesota Rules, part 9503.0065, subpart 3 (SP11);
 - o specific job responsibilities (SP11);
 - o program's drug and alcohol policy under section 245A.04, subdivision 1, paragraph (c) (SP11);
 - o reporting responsibilities in Minnesota Statutes, chapter 260E (MOMA) and 9503.0130 (SP11);
 - o program's risk reduction plan as required under section 245A.66, subdivision 2 (SP11); and

- sudden unexpected infant death that was at least one half hour in length as required in subdivision 5 (SP11).

On the day of the site visit, SP11 was observed in the Infant classroom with children. There was no documentation that SP11 had received orientation training. (SP11)

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

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated December 8, 2023.

27. Violation: The program did not comply with sudden unexpected infant death training requirements. The training on reducing the risk of sudden unexpected infant death for 1 of 9 (SP11) individuals (director, staff persons, substitutes, or volunteers) was not completed before caring for infants.
- On the day of the site visit, SP11 was observed in the Infant classroom with children. There was no documentation that SP11 had received sudden unexpected infant death training. (SP11)

Statute Violated: Minnesota Statutes, section 245A.40, subdivision 5, paragraph (a)

28. Violation: The program did not comply with abusive head trauma training requirements. The training on abusive head trauma for 1 of 9 (SP11) individuals (director, staff persons, substitutes, or unsupervised volunteers) was not completed before caring for children under school age.
- On the day of the site visit, SP11 was observed in the Infant classroom with children. There was no documentation that SP11 had received abusive head trauma training. (SP11)

Statute Violated: Minnesota Statutes, section 245A.40, subdivision 5a, paragraph (a)

29. Violation: The program did not comply with cardiopulmonary resuscitation (CPR) training requirements. Documentation was not available on site to show that 3 of 9 (SP5, SP10 and SP11) 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 (SP10);
 - within the previous two years (SP5); and
 - before unsupervised contact with a child (SP11).

The CPR training for SP5 expired at the end of 2023. There was no documentation that current pediatric CPR training had been completed. (SP5)

SP10 was hired in May of 2023. There was no documentation that SP10 had received pediatric CPR training. (SP10) On the day of the site visit, SP11 was observed alone in the Infant classroom with children. There was no documentation that SP11 had received pediatric CPR training. (SP11)

Rule/Statute Violated: Minnesota Statutes, section 245A.40, subdivision 4 and Minnesota Rules, part 9503.0120, subpart D

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated September 14, 2023.

30. Violation: The program did not comply with first aid training requirements. Documentation was not available on site to show that 3 of 9 (SP5, SP10 and SP11) individuals (director, staff persons, substitutes, or unsupervised volunteers) completed pediatric first aid training:
- o within 90 days of the start of work or within the previous two years (SP10);
 - o within the previous two years (SP5); and
 - o before unsupervised direct contact with a child (SP11).

The first aid training for SP5 expired at the end of 2023. There was no documentation that current pediatric first aid training had been completed. (SP5)

SP10 was hired in May of 2023. There was no documentation that SP10 had received pediatric first aid training. (SP10)

On the day of the site visit, SP11 was observed alone in the Infant classroom with children. There was no documentation that SP11 had received pediatric first aid training. (SP11)

Rule/Statute Violated: Minnesota Statutes, section 245A.40, subdivision 3 and Minnesota Rules, part 9503.0120, subpart D

Repeat Violation: The license holder was cited for a similar violation in a Correction Order dated September 14, 2023.

CHILDREN'S RECORDS

31. Violation: Each child's record did not contain all required information:
- o One of eight (C3) children's files reviewed did not contain written authorization for the center to act in an emergency or when the parent cannot be reached or is delayed; and
 - o For children age six weeks to 33 months, 2 of 8 (C1 and C7) children's files reviewed did not contain a description of the child's eating, sleeping, toileting, communication habits, and effective methods for comforting the child.

The file for C3 did not contain a parent signature granting authorization for the center to act in an emergency or when the parent cannot be reached or is delayed. (C3)

Rule Violated: Minnesota Rules, part 9503.0125

32. Violation: Two of eight (C4 and C7) children's files reviewed did not contain documentation of a current physical examination received within 30 days of enrollment.
- o C4 was enrolled in December of 2023. There was no documentation of a current physical examination in the child's file. (C4)
 - o C7 was enrolled in December of 2023. There was no documentation of a current physical examination in the child's file. (C7)

Rule Violated: Minnesota Rules, part 9503.0125, item G; and part 9503.0140, subpart 3

EMERGENCY PREPAREDNESS

33. Violation: The relocation site and evacuation route was not posted in a visible place as a part of the written procedures for emergencies and accidents in Minnesota Rules, part 9503.0140, subpart 21.

Statute Violated: Minnesota Statutes, section 245A.41, subdivision 3, paragraph (f)

Immediate corrective action required

You must immediately correct the violations cited above. Submit your response through the Provider Hub within 30 days from the date of this letter detailing how compliance has been achieved. You must maintain compliance going forward. If you fail to demonstrate substantial compliance with child care center 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.

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

CONDITIONAL LICENSE TERMS

In addition to the child 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. You must develop a detailed supervision plan to ensure that children will be supervised by program staff persons at all times, consistent with the definition of supervision under Minnesota Statutes, section 245A.02, subdivision 18, and in compliance with the risk reduction plan requirements under Minnesota Statutes, section 245A.66, subdivision 2, paragraph (f), (1) through (6). Within 30 days from receipt of this order, you must submit the supervision plan to your licensor for approval.

Within 30 days after the supervision plan is approved by your licensor, you must provide training to all staff on the supervision plan and maintain documentation of the training in each staff person's personnel record. You must also ensure new hires receive the same training and document the training in each new hire's personnel record.

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, maintained on site, 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.
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.

YOUR RIGHT TO REQUEST RECONSIDERATION

If you choose to request reconsideration of this order, you must use the Provider Hub (<https://providerhub.dhs.mn.gov/>) to submit your request. The timeline to request reconsideration began when this order was issued in the Provider Hub. Your request for reconsideration must be submitted in the Provider Hub within 10 calendar days from the date of issue. If you do not meet this deadline, you lose your right to request reconsideration.

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 2 years 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.
- Child care centers are required to follow Minnesota Rules, 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 Meg Holmen, Supervisor, at 651-431-4013.

Sincerely,

Peggy Cunningham, Unit Manager
Licensing Division
Office of Inspector General