

September 6, 2024

Ginger Olson, Authorized Agent  
Compass Child Care  
3372 Bunker Lake Blvd NE  
Ham Lake, MN 55304-7211

License Number: 1103751 (Child Care Center)  
Program Location: 1438 215<sup>th</sup> Avenue NE, Cedar, MN 55011-4703

Dear Ginger Olson:

On August 5, 2024, the Minnesota Department of Human Services (DHS), Division of Licensing, received your request for reconsideration of the citations in the Correction Order (Attachment A) issued to you by the Department of Human Services on August 2, 2024.

**SUMMARY OF CITATION AND RECONSIDERATION DETERMINATION:**

**Citation 1: Violation:** The program violated the behavior guidance policy for separation when children were not allowed to return to the group upon stopping unacceptable behavior. Specifically, on the date of the licensing visit at approximately 10:50 a.m., the DHS licenser observed that a child was separated from the group. It was determined through conversations with staff persons that the child was in “time out” for approximately five minutes for pushing another child.

**Request for Reconsideration.** You indicate in your reconsideration request that although a staff person said the child had been talked to about hitting and assumed the child was in a “time out,” another staff corrected the staff person and advised that the child wanted to sit at the table rather than being with the group. You indicate the staff that said the child chose to sit at the table outranked the other staff person, who had said “the wrong thing.” You submitted signed statements from two staff persons, both of whom indicate the child was not in time out.

**Applicable Law.** Under Minnesota Rules, part 9503.055, subpart 4, no child may be separated from the group unless the license holder has tried less intrusive methods of guiding the child’s behavior which have been ineffective and the child’s behavior threatens the well being of the child or other children in the center. A child who requires separation from the group must remain within the unenclosed part of the classroom where the child can be continuously seen and heard by a program staff person. When separation from the group is used as a behavior guidance technique, the child’s return to the group must be contingent on the child’s stopping or bringing under control the behavior that precipitated the separation, and the child must be returned to the group as soon as the behavior that precipitated the separation abates or stops.

**Reconsideration Determination.** Information obtained during the licensing visit indicates that a child sat at a table from approximately 10:50 to 10:55 a.m., and when asked why the child was at the table a staff person replied that the child was in time out for pushing another child. The staff person then told the child s/he could go play. When asked who put the child in time out, the staff person replied that it could have been him/her or that the child may have decided to sit at the table. A second staff person stated that there were no timeouts in that classroom and the child had likely been sitting there after s/he finished cleaning up after an activity.

Based on the licensor's observations that the staff person was aware the child was in time out, that the time out was ended when the licensor asked why the child was at the table, and that the child left the table when told they could go play, there was sufficient evidence that the child was separated from the group and not allowed to return to the group upon stopping unacceptable behavior. There is therefore sufficient evidence to support the citation and it is affirmed.

**Citation 2: Violation:** The daily log for recording separations did not include documentation of all separations from the group because of behavior guidance.

**Request for Reconsideration.** You indicate in your reconsideration request that because the child was not in a time out as stated by a staff person and no separation therefore needed to be logged. You submitted signed statements from two staff persons, both of whom indicate the child was not in time out.

**Applicable Law.** Under Minnesota Rules, part 9503.055, subpart 5, all separations from the group must be noted on a daily log. The license holder must ensure that notation in the log includes the child's name, time, date and information indicating what less intrusive methods were used to guide the child's behavior and how the child's behavior continued to threaten the well being of the child or other children in care. If a child is separated from the group three times or more in one day, the child's parent shall be notified and notation of the parent notification shall be indicated in the daily log.

Under Minnesota Rules, part 9503.0115, item G, required separation reports must be maintained within the center and be available for inspection at the request of the commissioner.

**Reconsideration Determination.** Because it was determined the child was separated from the group and the separation was not noted on a daily log, there is sufficient evidence to support the citation and it is affirmed.

**Citation 3: Violation:** The program did not comply with cardiopulmonary resuscitation (CPR) training requirements. Specifically, documentation was not available on site to show that 1 of 7 (SP2) 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 before having unsupervised contact with a child.

**Request for Reconsideration.** You indicate in your reconsideration request that the staff person was under supervision at all times with the exception of an emergency bathroom break of a co-worker. You also indicate that during that break, the staff person was still within sight or sound of staff members in another area.

**Applicable Law.** Under Minnesota Statutes, section 245A.40, subdivision 4, unless training has been completed within the previous two years, the director, staff persons, substitutes, and unsupervised volunteers must satisfactorily completion pediatric cardiopulmonary (CPR) training that meets the requirements of this subdivision. Pediatric CPR must be completed prior to having unsupervised direct contact with a child, but not to exceed the first 90 days of employment. The pediatric CPR training must cover CPR techniques for infants and children and the treatment of obstructed airways and must include Hands-on practice and an observed skills assessment.

Under Minnesota Rules, part 9503.0120, subpart D, the license holder must ensure that a personnel record for each staff person is maintained at the center. The personnel record for each staff must contain documentation, when applicable, that the staff person has completed required first aid and CPR training.

Reconsideration Determination. Documentation showed that the staff person's date of first unsupervised contact was on March 12, 2024, and the staff person completed Pediatric CPR training and Pediatric First Aid Training on April 9, 2024. Because the trainings were not completed prior to the staff person having unsupervised direct contact with a child as required by the rule, there is sufficient evidence to support the citation and it is affirmed.

**Citation 4: Violation:** The program did not comply with first aid training requirements. Specifically, documentation was not available on site to show that 1 of 7 (SP2) individuals (director, staff persons, substitutes or unsupervised volunteers) completed pediatric first aid training before having unsupervised contact with a child.

Request for Reconsideration. You indicate in your reconsideration request that the staff person was under supervision at all times with the exception of an emergency bathroom break of a co-worker. You also indicate that during that break, the staff person was still within sight or sound of staff members in another area.

Applicable Law. Under Minnesota Statutes, section 245A.40, subdivision 3, unless training has been completed within the previous two years, the director, staff persons, substitutes, and unsupervised volunteers must satisfactorily complete pediatric first aid training prior to having unsupervised direct contact with a child, but not exceed the first 90 days of employment.

Under Minnesota Rules, part 9503.0120, subpart D, the license holder must ensure that a personnel record for each staff person is maintained at the center. The personnel record for each staff must contain documentation, when applicable, that the staff person has completed required first aid and CPR training.

Reconsideration Determination. Documentation showed that the staff person's date of first unsupervised contact was on March 12, 2024, and the staff person completed Pediatric CPR training and Pediatric First Aid Training on April 9, 2024. Because the trainings were not completed prior to the staff person having unsupervised direct contact with a child as required by the rule, there is sufficient evidence to support the citation and it is affirmed.

**Citation 5: Violation:** The facility floor plan did not indicate: space used exclusively for children during hours of operation which includes dimensions and locations of all areas and planned use of each area. Also, the facility failed to notify the commissioner and obtain the commissioner's approval before making any changes that would alter the license information or facility floor plan when the license holder: added an exit door on the Toddler classroom; removed an exit door in the Toddler classroom; and removed the wall between the Toddler classroom and the Preschool classroom.

Request for Reconsideration. You indicate in your reconsideration request that you had repeated conversations about the changes before they occurred, and you indicate the fire inspector told you no visit was necessary because you did not "make any changes that were outside of the rules." You indicate that while the DHS licenser said a building inspection was needed, you understood that no additional actions were needed. You also indicate that the area is being used as it always was, that capacity was not changed, and that the exit that was closed made the room safer. You provided supporting documentation.

Applicable Law. Under Minnesota Rules, part 9503.0155, subpart 4, indoor and outdoor space to be used for child care must be designated on a facility floor plan. The space must be exclusively used for child care by the

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center during the hours of operation, and the plan must indicate: dimensions and location of all areas of the center designated for the provision of child care.

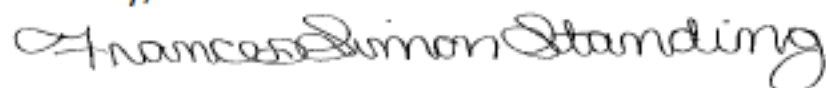
**Reconsideration Determination:** The applicable rule requires that indoor space to be used for childcare must be designated on a facility floor plan, and the plan must indicate the dimensions and location of all areas of the center designated for the provision of childcare. Although you spoke with the licensor about potential changes, the licensor did not recall discussion about the renovations that actually occurred. Although you provided documentation of inspection, you did not provide documentation to show that you updated the facility floor plan to reflect changes that were made to the childcare space, and you did not provide documentation to show that you notified the commissioner and obtained approval prior to making the changes. There is therefore sufficient evidence to support the citation and it is affirmed.

**Disposition:** The Commissioner has reviewed the request for reconsideration and all the information submitted in response to the correction order. The Commissioner finds there is sufficient evidence to support the citations, and they are affirmed.

**Previously Ordered Corrective Action:** In the Correction Order issued on August 2, 2024, you were ordered to correct the violations cited, and submit documentation of such action to your licensor. A request for reconsideration does not stay any provisions or requirements of the correction order. Minnesota Statutes, 245A.06, subdivision 2(a). If you have not done so already, please immediately comply with the previously ordered corrective actions for all uncontested and affirmed violations.

The Commissioner appreciates your response and encourages you to continue to work cooperatively with your licensor to ensure the safety and well-being of the children you serve.

Sincerely,



Frances Simon Standing, Attorney

Legal Counsel's Office

Office of Inspector General