

October 31, 2024

Amy Bower, Authorized Agent
Little Learners Academy LLC
1405 Broadway Street
Alexandria, MN 56308-3013

License Number: 1077738 (Child Care Center)
Program Location: 1405 Broadway Street Suite B, Alexandria, MN 56308-3014

Dear Amy Bower:

On December 19, 2023, the Minnesota Department of Human Services (DHS), Division of Licensing, received your request for reconsideration of citations 4 and 5 in the Correction Order (Attachment A) issued to you by the Department of Human Services on November 27, 2023. You did not challenge the remaining citations, and those citations are therefore final and not within the scope of this review.

SUMMARY OF CITATION AND RECONSIDERATION DETERMINATION:

Citation 4: Violation: The program did not comply with cleanliness requirements. Specifically, the indoor space was not clean. Dirt build-up was observed on the preschool bathroom floors, and the green circle area rug was dirty and stained.

Request for Reconsideration. You indicated in your reconsideration request that the violation was corrected on site and immediately addressed to staff. You indicate the bathroom tile was scrubbed by personnel to ensure the tile was as clean as it could be. You also indicate the tile contains discoloration and stains that make it appear dirty, and those stains can't be removed. With regard to the rug, you indicate it was removed for proper cleaning and that it would not be returned to the classroom if it cannot be cleaned.

Applicable Law. Under Minnesota Rules, part 9503.0140, subpart 9, the indoor and outdoor space and equipment of the center must be clean. Under Minnesota Rules, part 9503.0005, subpart 9, clean means free from dirt or other contaminants that can be detected by sight, smell or touch.

Reconsideration Determination. Observations during the licensing visit and photographs taken during the licensing visit showed the tile was dirty according to the applicable rule. Although the tile was cleaned after the licensing visit and the tile has now been replaced, the available information indicates the tile had dirt buildup at the time the citation was issued. With regard to the rug, it was observed to be dirty during the licensing visit. In your reconsideration request, you did not dispute that the rug was dirty, and you indicated it had been removed. There is sufficient evidence to support the citation and it is affirmed.

Citation 5: Violation: The minimum amount of equipment specified for an age category was not accessible every day to the children of that age category. During the licensing review, toddler chairs were stacked up against the wall and not accessible at the tables other than mealtimes.

Request for Reconsideration. You indicated in your reconsideration request that although the program does not keep chairs out around the tables at all times because you believe it can be a safety issue, chairs are accessible

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to children. You indicate chairs are used multiple times throughout the day but were not in use at the time of the licensing visit. You also indicate the staff person was unsure of how to answer the question during the licensing visit.

Applicable Law. Under Minnesota Rules, 9503.0060, subpart 1, each program must have the quantity and type of equipment specified for the age categories of the children served. For toddlers, the rule specifies that minimum equipment required for a center serving toddlers includes one nonfolding child size chair per child.

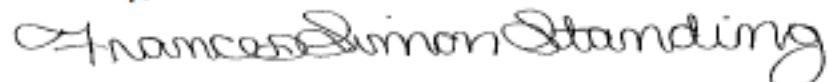
Reconsideration Determination. During the licensing visit, the licensor observed toddler chairs stacked against the classroom wall. When a staff person was asked how often the chair are used, the staff person responded that the chairs were used for meals and snacks. As a result of the licensor's observation and the statement of the staff person, it was determined that toddler chairs were not accessible at all times as required. There is 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. This is a final agency decision.

Previously Ordered Corrective Action: In the Correction Order issued on November 27, 2023, 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