

October 31, 2024

Anisa Abdi Habib, Authorized Agent
Alphabet Child Care, Inc.
3845 Hiawatha Avenue, Apartment 301
Minneapolis, MN 55406-4444

License Number: 1115314 (Child Care Center)
Program Location: 1010 Park Avenue, Minneapolis, MN 55404-1437

Dear Anisa Abdi Habib:

On October 12, 2023, the Minnesota Department of Human Services (DHS), Division of Licensing, received your request for reconsideration of citations 1, 2, 4, 6 and 7 in the Correction Order (Attachment A) issued to you by the Department of Human Services on October 6, 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 1: Violation: The program did not comply with cleanliness requirements. Specifically, the indoor space was not clean when there were tissues, litter and debris on the floor.

Request for Reconsideration. You indicated in your reconsideration request that there was one piece of unused tissue on the floor, but the classroom was generally clean.

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. During the licensing visit, the licenser observed two scrunched up tissues that appeared to have been used, and the tissues were on different parts of the floor. The licenser also observed small pieces of paper and dirt in the same area of the classroom where the tissues were located. A photograph taken during the licensing visit showed those items. The presence of the dirt and contaminants was a violation of the rule, which requires that the indoor space must be clean. There is sufficient evidence to support the citation and it is affirmed.

Citation 2: Violation: The program did not comply with toilet room cleaning requirements. Specifically, toilet rooms were not cleaned daily. Also, a plunger was accessible to children on the floor of the boy's classroom, which was not a sanitary way to store bathroom cleaning supplies.

Request for Reconsideration. You indicated in your reconsideration request that the bathroom was cleaned, and a staff person had just finished cleaning the bathroom. You indicated the staff person left to store cleaning supplies and would return to retrieve the plunger. You also indicated there were no children in the bathroom at that time.

Applicable Law. Under Minnesota Rules, part 9503.0140, subpart 10, the toilet rooms of the center must be cleaned daily. Toilet training chairs must be emptied, washed with soap and water, and disinfected after each use. Toilets and seats must be washed with soap and water and disinfected when soiled or at least daily.

Reconsideration Determination. During the licensing visit, the licensor did not observe any staff person cleaning the bathrooms, and children were present in the classrooms at the time the licensor inspected the bathrooms. The licensor did observe a staff person walk toward the bathrooms with a cleaning cart, but that occurred after the bathrooms had been inspected and after the plunger was observed in the bathroom. There is sufficient evidence to support the citation and it is affirmed.

Citation 4: Violation: Equipment and furniture were not in good repair. Specifically, the faucet to the dramatic play kitchen sink was missing, the sink basin to the dramatic play kitchen was missing, and there was a crack in the lid of a plastic toy bin.

Request for Reconsideration. You indicated in your reconsideration request that the faucet for the sink was accessible in a dramatic play set container. You also indicated the preschool sink basin was accessible in the classroom. You indicate the licensor did not mention the cracked lid on the plastic bin.

Applicable Law. Under Minnesota Rules, part 9503.0140, subpart 19, equipment and furniture must be durable, in good repair, structurally sound and stable following assembly and installation. Equipment must be free of sharp edges, dangerous protrusions, points where a child's extremities could be pinched or crushed, and openings or angles that could trap part of a child's body.

Reconsideration Determination. During the licensing visit, the licensor observed and photographed the toddler room's dramatic play kitchen, which was missing a faucet and had a large hole where the faucet would be. The licensor also observed that the preschool classroom's dramatic play kitchen did not have sink basin, and the basin was not observed anywhere in the classroom during the licensing visit. A plastic toy bin the school age classroom was observed to have a large crack in the lid, and the licensor discussed the cracked plastic lid during the exit interview and photographed the lid. As such, the information obtained during the licensing visit indicates the equipment in the citation was not in good repair and had openings or angles that could trap part of a child's body (hole for faucet) and points where a child's extremities could be pinched (cracked plastic lid). There is sufficient evidence to support the citation and it is affirmed.

Citation 6: Violation: The program did not provide the children access to interest areas on a daily basis. Children were not provided daily access to a science interest area and a sensory stimulation activities interest area.

Request for Reconsideration. You indicated in your reconsideration request that a science interest area was accessible to children in the program, but the staff person misunderstood the question when asked by the licensor.

Applicable Law. Under Minnesota Rules, part 9503.0045, subpart 2, a childcare program that operates for more than three hours a day must provide daily access to interest areas of the center that are supplied with equipment and materials needed to carry out specified activities, which include science and sensory stimulation activities.

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Reconsideration Determination. During the licensing review, the licensor spoke with the staff person who indicated he did not have difficulty understanding the English language. When asked whether the interest items were available, the staff person indicated s/he was unsure whether those items were available for children. The licensor indicated s/he looked in locations where the science interest items could have been stored, including shelves and in a plastic bin in the classroom, and science interest items were not located. There is therefore sufficient evidence to support the citation and it is affirmed.

Citation 7: Violation: The minimum amount of equipment specified for an age category was not accessible every day to the children of that age category. Specifically, required equipment was wrapped in plastic and stored inside bins that were stored in a larger plastic storage bin which made the equipment inaccessible to children.

Request for Reconsideration. You indicated in your reconsideration request that you had extra equipment and toys for children stored in a big bin. You indicated you had never been corrected for the violation in the past and would have moved the container bin out of the classroom if you had known what to correct.

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.

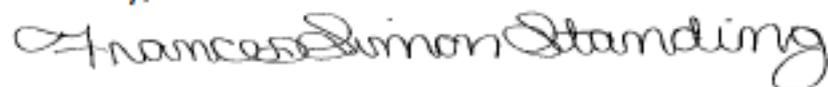
Reconsideration Determination. During the licensing visit, the licensor observed required equipment wrapped in plastic, never opened, and stored in a plastic container. The location of the equipment made it inaccessible to children in violation of the rule. There is sufficient evidence to support the 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 October 6, 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