

Date Correction Plan Due 8/8/2022	NONCOMPLIANCE STATEMENT AND CORRECTION PLAN	TO FILE A COMPLAINT CALL 608-422-6765
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Use of Form: This form is used by certification / licensing staff to identify statute and / or administrative rule violation(s) and to outline imposed plans of correction, if applicable. This form is used by certified operators / licensed centers to meet the requirements of DCF 202.065, DCF 250.04(2)(f) and (3)(d), DCF 251.04(2)(L) and (3)(f), DCF 252.41(1)(L) and (2)(k). Failure to submit an appropriate correction plan by the due date listed above may result in sanctions identified in the statute and / or administrative rule. Public Schools may submit plans of correction however are not required to do so.

Instructions: The Noncompliance Statement below identifies the violation(s) of child care statute and / or administrative rule identified by the certification / licensing specialist. Complete the section labeled "Correction Plan" by indicating the steps that will be taken to address and correct each of the listed noncompliance(s). Identify expected completion date(s) for each item. Return the original to your certification / licensing specialist for approval and retain a copy. If this is a licensed child care, post your copy of the noncompliance statement and correction plan near the license in accordance with Wis. Stat. 48.657. This request for a correction plan is not an order imposing a sanction or penalty pursuant to Wis. Stat. 48.715. If the department decides to apply a statutory sanction and / or penalty for facts arising from this finding or a future finding, you will be given a notice of the sanction and / or penalty and your appeal rights.

Name - Certified Operator / Licensed Center The Learning Gardens Llc		Provider Number / Facility ID Number 1000572971 / 001 - 1005194	
Address - Facility (Street, City, State, Zip Code) 441 S Rosa Rd Madison WI 53719		Telephone Number 608-238-6700	Date - Regulation Visit 6/17/2022
Rule/Statute Number Noncompliance Statement	Correction Plan	Expected Completion Date	Verification Date
<p>1 251.07(2)(e) Child Guidance - Prohibited Actions</p> <p>Description: On 6/3/22, a staff person engaged in prohibited actions when they redirected a child on the outdoor play space by taking the child by the arm. The child sustained sustained an injury on the arm as a result. This incident was self-reported by the center.</p>	<p>The staff member no longer works at our program.</p> <p>We plan to review prohibited actions with all staff at the 8/26/22 staff meeting. We have been reviewing these with new staff at orientation since Dec. 2021</p>	8/26/22	

NAME - Certification Worker / Licensing Specialist
Amy Anderson

Date Issued
7/25/2022

SIGNATURE - Certified Operator or Designee / Licensee or Designee

Amy Anderson

Date Signed
8/8/22



SENT VIA CERTIFIED MAIL AND REGULAR U.S. MAIL

Article No. 7019 1120 0000 0582 0709

July 25, 2022

Michael Ring
The Learning Gardens, LLC
441 S. Rosa Road
Madison, WI 53719

RE: NOTICE OF ORDER, SANCTIONS AND APPEAL PROCESS

The Learning Gardens, LLC
Facility Number: 1005194

Dear Michael Ring:

This letter constitutes an order requiring that you, The Learning Gardens, LLC, licensee of the Learning Gardens, LLC, stop violating Wisconsin Statutes and Administrative Code for the regulation and licensing of group child care centers. This letter notifies you of the licensing statutory and/or code violation that was confirmed at The Learning Gardens, LLC and the sanctions ordered by the Wisconsin Department of Children and Families (the Department) to correct this violation. It also provides notice of possible additional sanctions and penalties that may result if the violation is not corrected, and informs you of your appeal rights.

The Department, under the authority of Wis. Stat. § 48.715, provides for sanctions and penalties where persons operate group child care centers in violation of Chapter 48 or Wis. Admin. Code § DCF 251. Sanctions and penalties include issuance of orders to stop operating, to correct violations and to submit plans of correction, assessment of forfeitures or revocation of a license.

Please note that in accordance with Wis. Stat. § 48.657(2g), and Wis. Admin. Code § DCF 251.04(2)(L), the group child care center shall post with the license any notice received from the Department relating to violations. This notice must be posted in a conspicuous area of the center that is accessible to the public and must remain posted until the violations are documented as corrected by the licensing specialist at or before the next licensing site visit.

ORDER

On June 17, 2022, licensing specialist Amy Anderson confirmed a serious rule violation during an incident investigation at The Learning Gardens, LLC, endangering the health, safety and welfare of children in care. The Department orders you, The Learning Gardens, LLC, to immediately make corrections and stop violating the Wisconsin Statute and Administrative Code, as follows:

1. DCF 251.07(2)(e) states, actions that may be psychologically, emotionally or physically painful, discomforting, dangerous or potentially injurious are prohibited. Contrary to DCF 251.07(2)(e), on June 3, 2022, a staff person engaged in a prohibited action when they redirected a 5-year-old child on the outdoor play space by taking the child by the arm. The child sustained bruising on the arm as a result. This incident was self-reported by the center.

A Noncompliance Statement and Correction Plan is issued with this notice. This is enclosed and incorporated herein by reference. (Attachment A).

ADDITIONAL PENALTIES FOR FAILURE TO COMPLY

Failure to correct the violation identified above and any subsequent failure to maintain compliance with the Wisconsin Statute and Administrative Code may lead to additional sanctions and penalties, as set forth in Wis. Stat. § 48.715. Additional sanctions and penalties may include orders to stop operating, to correct violations, to submit plans of correction, forfeiture assessments, or proceedings to revoke a license. The Department may set daily forfeiture amounts ranging from \$10 to \$1000 per day, per violation.

APPEAL RIGHTS AND PROCEDURE

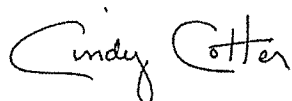
Any person aggrieved by a Department action taken under Wis. Stat. §§ 48.715, 48.68(1) and/or 48.685, has the right to an administrative hearing under Wis. Stat. § 227.42. Pursuant to Wis. Stat. § 48.72, **your written request must be sent directly to the Division of Hearings and Appeals no later than ten (10) days from the date of this notice**; please attach a copy of this notice to your request for a hearing.

To submit your request for an administrative hearing under Wis. Stat. § 227.44:

Send your request via U.S. Mail: Division of Hearings and Appeals P.O. Box 7875 Madison, WI 53707-7875	Hand deliver your request: Division of Hearings and Appeals 4822 Madison Yards Way Madison, WI	Send your request via Facsimile: Division of Hearings and Appeals (608) 264-9885
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Contact Licensing Specialist Amy Anderson at 608-422-6721 if you have questions regarding this notice.

Sincerely,



Cindy Cotter, Program Supervisor
Bureau of Early Care Regulation
DIVISION OF EARLY CARE AND EDUCATION

Cc: DCF Office of Legal Counsel
Amy Anderson, Licensing Specialist
Brienne Heidke, 4-C Certification
Christie Voigt, 4-C Resource & Referral
Jessica Miller/Roxana Vega, Dane County Child Care Coordinator
Amanda Cullen /Cari Muggenburg, DPI
Mary Mahl, WECA Food Program
Child Care Fraud
SRO Staff
Monty Marsh, City of Madison Accreditation

Attachments: Noncompliance Statement (Attachment A)