

<b>Date Correction Plan Due</b> 9/1/2020	<b>NONCOMPLIANCE STATEMENT AND CORRECTION PLAN</b>	<b>TO FILE A COMPLAINT CALL</b> 262-446-7800
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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)(l) 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.

<b>Name - Certified Operator / Licensed Center</b> Kindercare Learning Ctrs-Whitnall		<b>Provider Number / Facility ID Number</b> 0000580590 / 021 - 1010082		
<b>Address - Facility (Street, City, State, Zip Code)</b> 4692 S Whitnall Ave St Francis WI 53235		<b>Telephone Number</b> 414-482-3366	<b>Date - Regulation Visit</b> 6/23/2020	
	<b>Rule/Statute Number</b> <b>Noncompliance Statement</b>	<b>Correction Plan</b>	<b>Expected Completion Date</b>	<b>Verification Date</b>
1	251.04(6)(a)8.b. <b>Child Record - Physical Exam - Over 2, Under 5</b>  Description: Child 1 did not have documentation of a health exam completed every two years.	All files have been reviewed by management and are required to be updated by families to continue enrollment.	9.30.20	
2	251.05(2)(a)4.d. <b>Staff Record - Educational Qualifications</b>  Description: Staff person A did not have documentation of educational qualifications on file.  Repeat violation: Previously cited on 11/18/2019	All staff will have required forms on file and new staff will not be able to start working until documentation is submitted	9.30.20	

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3	251.05(2)(a)6. Staff Record - Days & Hours Worked  Description: The attendance records in the preK and preschool rooms did not show when staff were included in the staff-to-child ratio on June 4th, when staff were not signed out of the room.	All staff will review training on the proper procedures on Child Supervision Forms. Management will review daily.		
4	251.055(1)(b) Supervision - Teacher Per Group Of Children  Description: A review of attendance records showed on June 4th, the Discovery Preschool room did not have a qualified teacher supervising the group from 8:00 a.m. to 10:25 a.m.  Repeat violation: Previously cited on 11/18/2019, 6/26/2019	All new teachers will be required to complete the Intro to Early Childhood class within the first 30 days of employment.		
5	251.055(1)(c) Supervision - Opening & Closing Hours  Description: A review of attendance records showed on June 4th, the assistant teacher providing sole supervision in the Discovery Preschool room from 6:00 a.m. to 10:25 a.m. did not have documentation on file of having completed training required for the position.	All new teachers will be required to complete the Intro to Early Childhood class within the first 30 days of employment.		

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6	251.07(2)(e)1. <b>Prohibited Actions - Corporal Punishment</b>  Description: During an incident reported by the center, a staff person was observed to kick a two year old child.	All staff were retrained on positive child guidance and all staff completed the Wisconsin Mandated Reporter Online training	7-1-2020	
7	251.07(2)(e)5. <b>Prohibited Actions - Cruel, Aversive, Frightening, Humiliating Actions</b>  Description: During an incident reported by the center, a staff person was observed to forcefully grab a two-year-old child.	All staff were retrained on positive child guidance and all staff completed the Wisconsin Mandated Reporter Online training	7-1-2020	

NAME - Certification Worker / Licensing Specialist  
Cindy Matuszak

Date Issued  
8/18/2020

SIGNATURE - Certified Operator or Designee / Licensee or Designee

Date Signed



**SENT VIA CERTIFIED MAIL AND REGULAR U.S. MAIL**

Article No. 2018 3090 0002 2361 8718

August 18, 2020

Tom Wyatt  
KinderCare Education LLC  
7677 S Howell Ave  
Oak Creek WI 53154 2112

**Re: NOTICE OF ORDER TO STOP VIOLATING STATUTE AND/OR ADMINISTRATIVE RULES,  
NOTICE OF DIRECT FORFEITURE ASSESSMENT AND APPEAL PROCESS**

**KinderCare Learning Ctrs-Whitnall  
4692 South Whitnall Avenue  
St. Francis, WI 53235  
Facility 1010082**

Dear KinderCare Education LLC/Tom Wyatt:

This letter constitutes an order requiring that you, KinderCare Education LLC/Tom Wyatt, licensee of KinderCare Learning Ctrs-Whitnall, stop violating Wisconsin Statutes and Administrative Code for the regulation and licensing of a group child care center. This letter identifies the licensing statutory and/or code violations that were identified at KinderCare Learning Ctrs-Whitnall, and the sanctions ordered by the Department of Children and Families (the Department) to correct these violations. This letter also imposes a direct forfeiture assessment, identifies additional sanctions and penalties that may result if these violations are not corrected, and informs you of your appeal rights.

The Wisconsin Department of Children and Families, under the authority of Wis. Stat. § 48.715, provides for sanctions and penalties where persons operate a licensed group child care center in violation of Chapter 48 or 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. The Department may set forfeiture amounts of \$10.00-\$1,000 per day per violation.

Please note that in accordance with Wis. Stat. § 48.657(2g) and Wis. Admin. Code § DCF DCF 251.04(2)(L), the child care center shall post with the license any notice received from the Department relating to rule violations. This notice must be posted in an area of the center that is visible to parents and must remain posted until the licensing specialist has verified the violations as corrected and in compliance at or before the next licensing site visit.

### ORDER AND FORFEITURE ASSESSMENT

On June 23, 2020, licensing specialist Cindy Matuszak made a complaint visit to KinderCare Learning Ctrs-Whitnall and was made aware of serious statute and/or rule violations endangering the health, safety and welfare of children in care. **Immediately, the Department orders you, KinderCare Education LLC/Tom Wyatt, to make corrections and stop violating the following Wisconsin Statute and Administrative Code requirements. In addition, the Department imposes a direct forfeiture assessment for one or more of the following violations:**

1. **DCF 251.055(1)(b)** states at least one child care teacher shall supervise each group of children. Contrary to DCF 251.055(1)(b), a review of attendance records showed on June 4<sup>th</sup>, the Discovery Preschool room did not have a qualified teacher supervising the group from 8:00 a.m. to 10:25 a.m. **This rule was previously cited on 11/18/2019 and 6/26/2019.**
2. **DCF 251.07(2)(e)1.** states, in pertinent part, actions that may be psychologically, emotionally or physically painful, discomfoting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include all of the following: spanking, hitting, pinching, shaking, slapping, twisting, throwing or inflicting any other form of corporal punishment. Contrary to DCF 251.07(2)(e)1, during an incident reported by the center, a staff person was observed to kick a two-year-old child.

**Direct Forfeiture assessed for this violation: \$ 100.00.**

3. **DCF 251.07(2)(e)5.** states, in pertinent part, actions that are cruel, aversive, frightening or humiliating to the child are prohibited. Contrary to DCF 251.07(2)(e)5., during an incident reported by the center, a staff person was observed to forcefully grab a two-year-old child.

**Direct Forfeiture assessed for this violation: \$ 100.00.**

**TOTAL FORFEITURE AMOUNT DUE FOR ALL VIOLATIONS: \$ 200.00.**

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

### FORFEITURE PAYMENT

The total forfeiture amount due for all violations identified above is \$200.00. You can pay the forfeiture by either accessing the E-Payment module in Child Care Provider Portal at <https://mywchildcareproviders.wisconsin.gov> or sending payment to the address listed below. Payment should be made payable to the State Treasurer. Send your payment within ten (10) days of the receipt of this notice to the Bureau of Early Care Regulation, Room E-200, 201 E. Washington Ave., Madison, WI 53703. Include the attached remittance notice. Forfeiture payments are deposited in the School Fund.

### ADDITIONAL PENALTIES FOR FAILURE TO COMPLY

Failure to correct the violations 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. Stats. § 48.715. Additional sanctions and penalties

August 18, 2020

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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

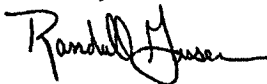
Any person aggrieved by a Department action taken under Wis. Stat. §§ 48.715, 48.68(1) and/or 48.686, has the right to an administrative hearing under Wis. Stat. § 227.42. Pursuant to Wis. Stat. § 48.72, **your written request must be sent directly to the Division of Hearings and Appeals no later than 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:

<b>Send your request via U.S. Mail:</b>  Division of Hearings and Appeals P.O. Box 7875 Madison, WI 53707-7875	<b>Hand deliver your request:</b>  Division of Hearings and Appeals 4822 Madison Yards Way Madison, WI	<b>Send your request via Facsimile:</b>  Division of Hearings and Appeals (608) 264-9885
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Contact Cindy Matuszak at 262-446-7810 if you have questions regarding this notice.

Sincerely,



Randall Gasser, Regional Licensing Manager  
Bureau of Early Care Regulation  
**DIVISION OF EARLY CARE AND EDUCATION**

Attachments: Noncompliance Statement (Attachment A)

cc: Nancy Wettersten, DCF Office of Legal Counsel  
Janette Cromell, Licensing Supervisor  
Cindy Matuszak, Licensing Specialist  
BPI  
MECA  
4C for Children  
DPI  
WECA  
SERO Staff

(Complete, detach, and return this remittance slip with payment)

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REMITTANCE SLIP

**FACILITY ID NUMBER:** 1010082

**FACILITY NAME AND ADDRESS**

KinderCare Learning Ctrs-Whitnall  
4692 South Whitnall Avenue  
St. Francis, WI 53235

**REGIONAL OFFICE**

Southeastern Regional Office

**LICENSING SPECIALIST** C. Matuszak

**AMOUNT DUE** \$200.00

Make check payable to **State Treasurer**. Please return this remittance slip with your payment within 10 days of receipt of this letter to:

Bureau of Early Care Regulation  
Attention: Central Uniqua Flowers  
201 E. Washington Ave., Room E-200  
Madison, WI 53703