

STATE OF CONNECTICUT
OFFICE OF EARLY CHILDHOOD
LEGAL DIVISION

RECEIVED

SEP 19 REC'D

Office of Early Childhood

CONSENT ORDER

IN THE MATTER OF:

**New Creation Foundation, Inc.
Child Care Center License #70458
893 Boston Road
Springfield, MA 01119-1315
Charles Pink, Legal Representative**

**RE: New Creation Academy Bloomfield
522 Cottage Grove Road, Bldg. A
Bloomfield, CT 06002-3111**

WHEREAS, New Creation Foundation, Inc. of Springfield, Massachusetts (“Operator”), has been issued license # 70458 to operate a Child Care Center named New Creation Academy Bloomfield located at 522 Cottage Grove Road, Bldg. A, Bloomfield, Connecticut (“Facility”) by the Connecticut Office of Early Childhood (“Agency”) pursuant to General Statutes § 19a-80 (b);

WHEREAS, Charles Pink is the Legal Representative of the Operator and therefore is duly authorized and empowered to act on behalf of the Operator and to bind the Operator to the terms and conditions contained in this Consent Order;

WHEREAS, the Operator admits and acknowledges that the violations contained in the draft Statement of Charges dated June 30, 2022 the draft Second Statement of Charges dated August 17, 2022 (attached hereto as Exhibits A and B) did occur;

WHEREAS, the foregoing acts referenced in the draft Statement of Charges constitute grounds for disciplinary action pursuant to General Statutes § 19a-84, taken in conjunction with §§ 19a-79-1a et seq. of the Regulations of Connecticut State Agencies;

WHEREAS, the parties desire to fully resolve the matter without further proceeding;

WHEREAS, this Consent Order embodies the entire agreement of the parties with respect to the subject matter involved herein. All previous communications and agreements, with regard to the subject matter of this Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof; and,

WHEREAS, the Operator, in consideration of this Consent Order, has chosen not to contest the above admissions before a hearing officer and further agrees that this Consent Order shall have the same effect as if ordered after a full hearing pursuant to § 19a-84.

THEREFORE, pursuant to General Statutes § 4-177, the Operator hereby stipulates and agrees to the following:

1. This Consent Order fully and completely resolves the admissions referenced above without any further proceeding.
2. This Consent Order may be considered as evidence of the above admitted violations in any subsequent proceeding or determination before the Agency in which (1) the Operator's compliance with this same Consent Order is at issue, or (2) the Operator's compliance with any state or federal statute and/or regulation is at issue.
3. The Operator waives its right to a hearing on the merits of this matter.
4. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack, or judicial review under any form or in any forum, including any right of review under the Uniform Administrative Procedure Act, Chapter 368a of the Statutes, or Regulations that exist at the time the Consent Order is executed or may become available in the future, provided that this stipulation shall not deprive the Operator of any other rights that it may have under the laws of the State of Connecticut or of the United States.
5. This Consent Order is a revocable offer of settlement that may be modified by mutual agreement or withdrawn at any time prior to its being signed by the Commissioner of Connecticut Office of Early Childhood or his/her designee.
6. This Consent Order is a matter of public record and will be reported in accordance with state and federal laws and/or regulations and Agency policy. The Consent Order may be posted on the Agency's website.
7. Any extension of time or grace period granted by the Agency for any condition of this Consent Order shall not constitute a waiver or preclude the Agency's right to take action at a later time. The Agency shall not be required to grant future extensions of time or grace periods.
8. The Operator shall, within one month of the effective date of this Consent Order, develop and implement a written plan for the administrative oversight of the Facility. This plan shall include procedures for conducting quarterly administrative on-site audits that ensure that all policies and procedures of the Facility are implemented and ensure compliance with the Regulations and conditions of this Consent Order. The plan shall require that the Operator address verbally and in writing with the Director the findings and recommendations after each audit. The Operator shall maintain the written plan and documentation of the audits at the Facility for Agency review.
9. Within one month of the effective date of this Consent Order, the Operator shall contract with an Agency-approved education consultant to assist with the review, development, and implementation of written policies and procedures to ensure the Facility's compliance with the Regulations pertaining to record keeping (including child and staff files and daily attendance), physical plant, and supervision including staff child ratios, group size, and safe sleep. Within two months of the effective date of this Consent Order, the Operator shall have developed and implemented the foregoing written policies and procedures.
10. The education consultant referenced in paragraph 9 shall conduct quarterly on-site observations for one year to ensure compliance with the policies and procedures developed pursuant to paragraph 9. The first observation shall be conducted by the education consultant within three

months of the effective date of this Consent Order. The educational consultant shall submit, within two weeks after each observation, a written evaluation with recommendations and timelines for improvement to the Operator. The Operator shall implement all such recommendations and timelines unless prior approval has been obtained from the Agency excusing compliance. The Operator shall maintain documentation of the required observations and implementations at the Facility for Agency review.

11. Within one month of the effective date of this Consent Order, the Operator shall contract with an Agency-approved health consultant to conduct training for all staff on the topic of caring for children under the age of three years and children with special health care needs. Such training shall include a review of the requirements of the Regulations pertaining to such topic, including but not limited to safe sleep, diapering, and feeding. This training shall be conducted within three months of the effective date of this Consent Order and the Operator shall ensure that all new staff receive training on the topic of caring for children under the age of three years prior to their assuming caregiving responsibilities. The Operator shall maintain documentation of such training on file at the Facility for Agency review.
12. Within one month of the effective date of this Consent Order, the Operator shall, contract with an Agency-approved health consultant to develop, review and revise the Facility's written policies to ensure the Facility's compliance with the Regulations pertaining to the administration of medication. Within two months of the effective date of this Consent Order, the Operator shall have implemented such revised written policies, unless prior approval from the Agency has been obtained excusing compliance. The Operator shall maintain written verification of implementation at the Facility for Agency review.
13. The Operator shall provide all consultants referenced herein with a copy of this fully executed Consent Order upon entering into contract with such consultant.
14. The Operator shall ensure that, within one month of the effective date of the Consent Order, the designated Director contact the Licensing Division of the Office of Early Childhood to request technical assistance on the Regulations for all staff. Such training shall include but not be limited to supervision, staff child ratios, records, and caring for children under the age of three. All staff shall receive such technical assistance within three months of the effective date of this Consent Order. The Operator shall maintain documentation of such training on file at the Facility for Agency review.
15. The Operator shall ensure compliance with the requirements pertaining to consultation services, including but not limited to site visits and documentation of activities and observations, as set forth in §§ 19a-79-4a and 19a-79-10 of the Regulations.
16. The Operator shall pay a civil penalty of \$1,000 (one thousand dollars 00/100) for failure to comply with the Regulations, due and payable upon the Operator's signing this Consent Order. The Operator shall submit the payment by check payable to "Treasurer, State of Connecticut" and mail to: Connecticut Office of Early Childhood, Legal Division, 450 Columbus Blvd., Suite 303, Hartford, CT 06103, Attention: MaryBeth Miller, Staff Attorney.
17. Any violation of the terms of this Consent Order shall constitute grounds for the Agency to take any other available legal action against the Licensee.

- 18. Legal notice of any action shall be deemed sufficient if sent to the Operator’s last address of record, as reported by the Licensee to the Connecticut Office of Early Childhood Division of Licensing.
- 19. This Consent Order is effective upon the signature of the Commissioner’s designee if a hearing has not been scheduled or by the Commissioner if a hearing has been scheduled, at which time it shall become final and an Order of the Commissioner of the Connecticut Office of Early Childhood.
- 20. The terms of this Consent Order shall be binding upon and enforceable against the Legal Operator’s successors and assigns, as provided by law.
- 21. The Operator has had the opportunity to consult with an attorney prior to signing this Consent Order.

IN WITNESS WHEREOF, the parties hereto, which have caused this Order to be executed by their respective officers and officials, declare the execution of this Consent Order to be their free act and deed. Charles Pink represents that he/she is authorized to sign this Consent Order on behalf of the Operator and bind the Operator to the terms and conditions contained in this Consent Order.

OPERATOR
Charles Pink

CONNECTICUT OFFICE OF EARLY CHILDHOOD
Beth Bye, Commissioner

By: 

By: _____
Debra L. Johnson, Director
Division of Licensing

Charles Pink
Printed Name

Date Signed: 09/09/2022

Date Signed: 9/19/2022



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

STATE OF CONNECTICUT

OFFICE OF EARLY CHILDHOOD



Connecticut Office of
Early Childhood

Beth Bye
Commissioner

First Class Mail
Certified mail
Email @ charlespinkii@gmail.com

EXHIBIT A

June 30, 2022

DRAFT

NOTICE OF PROPOSED LICENSURE ACTION AND STATEMENT OF CHARGES

IN THE MATTER OF:

New Creation Foundation, Inc.
c/o Charlie W. Pink, Jr., Legal Representative
893 Boston Road
Springfield, MA 01119-1315

RE: New Creation Academy Bloomfield
522 Cottage Grove Road, Bldg. A
Bloomfield, CT 06002-3111
Child Care Center License #70458

Pursuant to General Statutes § 19a-84 and § the 19a-79-2a (d) of the Regulations of Connecticut State Agencies, the Connecticut Office of Early Childhood (“Agency”) hereby provides notice of its intent to seek revocation or other disciplinary action as the Agency deems appropriate and consistent with the law against the above named Child Care Center license based on the following charges:

1. New Creation Foundation, Inc., of Springfield, Massachusetts, (“Operator”) is, and will be at all times referenced in this Statement of Charges, the holder of Connecticut Child Care Center License # 70458 to operate a child care center named New Creation Academy Bloomfield, located at 522 Cottage Grove Road, Building A, Bloomfield, CT 06002 (“program”). The Operator is responsible for compliance with the requirements of §§ 19a-79-1a through 19a-79-13 of the Regulations.
2. Charlie W. Pink is the legal representative of the Operator.
3. As a result of a full unannounced inspection on November 10, 2021, the Agency found that the Operator failed to maintain the requirements for administration of a child care center where a review of the Operator’s records revealed no notification of change form for a newly installed playscape in violation of § 19a-79-3a (c) (1) of the Regulations.
4. As a result of a full unannounced inspection on November 10, 2021, the Agency found that the Operator failed to meet the requirements for staffing and/or the under three endorsement when:
 - a. the proper staff to child ratio of one program staff for every four children, or fraction thereof in attendance was not maintained where three or less staff were observed with a mixed-age

- group of eighteen children in violation of § 19a-79-4a (c) (4) (B) and/or §19a-79-10 (c) (2) of the Regulations; and/or
- b. the proper group size of eight was exceeded where eighteen children of mixed-ages were observed in one group in violation of § 19a-79-4a (c) (5) (B) and/or §19a-79-10 (c) (3) of the Regulations.
5. As a result of a full unannounced inspection on November 10, 2021, the Agency found that the Operator failed to maintain the requirements for physical plant when it was observed that children's hands were not washed after toileting in violation of § 19a-79-7a (d) (11) (E) of the Regulations.
 6. As a result of a full unannounced inspection on November 10, 2021, the Agency found that the Operator failed to meet the requirements for the under three endorsement when:
 - a. soft surfaces and gas-trapping objects were placed under or with an infant for sleeping and/or were not kept out of cribs where a sleeping infant was observed to be wearing a bib with a pacifier and holder attached thereto and/or loose sheets were observed in six cribs in violation of § 19a-79-10 (g) (3) of the Regulations;
 - b. infants were not held for all bottle feedings where infants were observed in cots with bottles in violation of § 19a-79-10 (j) of the Regulations;
 - c. no written feeding schedules were observed for any infant in attendance in violation of § 19a-79-10 (k) (1) of the Regulations; and/or
 - d. each child's bottle was not individually identified with the child's name where five bottles were observed to be unlabeled in violation of § 19a-79-10 (k) (5) of the Regulations.
 7. As a result of a November 15, 2021 follow-up visit to the November 10, 2021 inspection, the Agency found that the Operator failed to meet the requirements for licensure procedures and/or the administration of a child care center when a review of the Operator's records revealed that:
 - a. a local health inspection was not conducted within the last two years and/or the records lacked documentation thereof in violation of § 19a-79-2a (c) (7) of the Regulations;
 - b. new employee orientation was not conducted for two employees and/or their files lacked documentation thereof in violation of § 19a-79-3a (b) (7) of the Regulations; and/or
 - c. annual training on the child care center policies, plans, and procedures was not conducted for eight employees and/or their files lacked documentation thereof in violation of § 19a-79-3a (b) (7) of the Regulations.
 8. As a result of a November 15, 2021 follow-up visit to the November 10, 2021 inspection, the Agency found that the Operator failed to maintain the requirements for staffing when a review of the Operator's records revealed that:
 - a. one staff file lacked a medical statement completed within the last twenty-four (24) months and/or a written report of a negative tuberculin test completed within twelve (12) months prior to the date of employment in violation of § 19a-79-4a (a) of the Regulations;
 - b. five staff did not complete professional development for one (1) percent of the total annual hours worked and/or their files lacked documentation thereof in violation of § 19a-79-4a (g) of the Regulations;

- c. no written plan for consultative services by a dental consultant and/or the dental consultant failed to conduct consultative services as required by the regulations where the consultative log lacked documentation thereof and/or was unavailable for review in violation of § 19a-79-4a (h) (1) and (2) of the Regulations; and/or
 - d. the education consultant failed to conduct consultative services as required by the regulations where the consultative log lacked documentation thereof and/or was unavailable for review in violation of § 19a-79-4a (h) (2) of the Regulations.
9. As a result of a November 15, 2021 follow-up visit to the November 10, 2021 inspection, the Agency found that the Operator failed to meet the requirements for record keeping when a review of the Operator's records revealed that:
- a. one child's file lacked the enrollment information form in violation of § 19a-79-5a (a) (1) of the Regulations; and/or
 - b. the health record for one child with special health care needs, requiring emergency medication, lacked an individual plan of care in violation of § 19a-79-5a (a) (2) (E) of the Regulations.
10. As a result of a November 15, 2021 follow-up visit to the November 10, 2021 inspection, the Agency found that the Operator failed to meet the requirements for health and safety when nutritionally adequate meals were not provided where it was observed that only two food groups were served at breakfast and staff did not offer milk that was available in violation of § 19a-79-6a (a) (2) of the Regulations.
11. As a result of a November 15, 2021 follow-up visit to the November 10, 2021 inspection, the Agency found that the Operator failed to meet the requirements for physical plant when:
- a. a review of the Operator's records revealed that the water supplies had not been tested every two years for lead content, with results submitted to the local and state health departments, and/or the records lacked documentation thereof in violation of § 19a-79-7a (c) (3) of the Regulations; and/or
 - b. two newly installed playscapes were not installed and anchored in accordance with the U.S. Consumer Product Safety Commission and American Society for Testing and Materials Standards where it was observed that the structures were not secure, moved when pushed, and the Operator lacked documentation of compliance with the foregoing standards in violation of § 19a-79-7a (h) (5) and/or (6) of the Regulations.
12. As a result of a November 15, 2021 follow-up visit to the November 10, 2021 inspection, the Agency found that the Operator failed to meet the educational requirements for the program when a review of the Operator's records revealed no written plan of daily activities in violation of § 19a-79-8a of the Regulations.
13. As a result of a November 15, 2021 follow-up visit to the November 10, 2021 inspection, the Agency found that the Operator failed to maintain the requirements for the administration of medications other than nonprescription topical medications when a review of the Operator's records revealed that the medication training outline for the administration of such medication was not on file at the facility in violation of § 19a-79-9a (b) (2) (C) of the Regulations.
14. As a result of a November 15, 2021 follow-up visit to the November 10, 2021 inspection, the Agency found that the Operator failed to meet the requirements for the under three endorsement when:

- a. there was not at least one program staff for every four children under the age of three or fraction thereof where one teacher was observed with eight children, one of which was under the age of three in violation of § 19a-79-10 (c) (2) of the Regulations; and/or
 - b. five toys of a diameter of less than one and one-quarter (1 ¼) inches were observed accessible to children under three years of age in violation of § 19a-79-10 (h) (2) of the Regulations; and/or
 - c. infants were not held for all bottle feedings where one infant was observed with a bottle in a crib in violation of § 19a-79-10 (j) of the Regulations.
15. As a result of a December 7, 2021 follow-up visit to the November 10, 2021 inspection, the Agency found that the Operator failed to meet the requirements for the physical plant when the building and equipment were not maintained in a good state of repair where the heating system in the preschool room was not working in violation of § 19a-79-7a (c) (2) of the Regulations.
16. As a result of a December 7, 2021 follow-up visit to the November 10, 2021 inspection, the Agency found that the Operator failed to meet the requirements for the under three endorsement when:
- a. there was not at least one program staff for every four children under the age of three or fraction thereof where it was observed that the Director answered the door with four children under the age of three and accepted two additional children in violation of §19a-79-10 (c) (2) of the Regulations; and/or
 - b. group size exceeded eight children where one staff member was observed with thirteen children, one of which was under the age of three, in violation of § 19a-79-10 (c) (3) of the Regulations.
17. As a result of a full unannounced inspection on March 14, 2022, the Agency found that the Operator failed to meet the requirements for the administration of a child care center when a review of the Operator's records revealed that:
- a. new staff orientation and/or annual training on the child care center's policies, plans, and procedures were not conducted for one staff and/or the file lacked documentation thereof in violation of § 19a-79-3a (b) (7) of the Regulations;
 - b. the program's policies, plans, and procedures were incomplete and/or lacking required information where the admissions and provisional enrollment period information was missing in violation of § 19a-79-3a (d) of the Regulations; and/or
 - c. the daily attendance records for staff were incomplete where the Director's recorded times of arrival and departure were missing in violation of § 19a-79-3a (d) (1) of the Regulations.
18. As a result of a full unannounced inspection on March 14, 2022, the Agency found that the Operator failed to maintain the requirements for staffing when a review of the Operator's records revealed that:
- a. one staff file lacked a medical statement completed within the last twenty-four (24) months and/or the written report of a negative tuberculin test completed within twelve months prior to the date of employment in violation of §§ 19a-79-4a (a) (1) and (2) of the Regulations;
 - b. at least two (2) staff members were not present at all times children were in attendance where records indicated that, on three occasions, only one staff was present with three children in attendance for 7 to 8 minutes in violation of § 19a-79-4a (c) (2) of the Regulations;
 - c. no written plan for consultation services for the education, health, dental, and/or dietician in violation of § 19a-79-4a (h) of the Regulations; and/or

- d. no logs documenting the consultative services required by the regulations for the education, dental, health, social service, and/or dietitian consultants in violation of § 19a-79-4a (h) (2) (G) of the Regulations.
19. As a result of a full unannounced inspection on March 14, 2022, the Agency found that the Operator failed to meet the requirements for record keeping when a review of the Operator's records revealed that:
 - a. one child's file was missing the name and telephone number of a person other than the parent(s) who can remove the child from the facility in violation of § 19a-79-5a (a) (1) of the Regulations;
 - b. the health records for four children contained incomplete medical statements and/or lacked medical statements, immunization records, and/or the statement that the children have been screened for risk factors for tuberculosis in violation of § 19a-79-5a (a) (2) of the Regulations; and/or
 - c. the health records for two children with special health care needs lacked individual plans of care and/or the individual plan of care for one child was incomplete where it was not signed by the staff responsible for the care of the child in violation of § 19a-79-5a (a) (2) (E) of the Regulations.
 20. As a result of a full unannounced inspection on March 14, 2022, the Agency found that the Operator failed to meet the requirements for health and safety when kitchens were not separated from the rooms used by the children by a door preventing children from entering the kitchen where both kitchen doors were observed to be open in violation of § 19a-79-6a (a) (9) of the Regulations.
 21. As a result of a full unannounced inspection on March 14, 2022, the Agency found that the Operator failed to meet the requirements for the physical plant when:
 - a. the building and equipment were not maintained in a good state of repair and free of hazards where dirty vents were observed in bathroom, and the electrical cord to a bottle warmer was observed to be dangling and accessible to children in violation of § 19a-79-7a (c) (2) of the Regulations;
 - b. thermometers were not in rooms and affixed to walls in violation of § 19a-79-7a (e) (1) of the Regulations;
 - c. walls, ceilings, and floors were not maintained in a state of good repair where ceiling tiles were observed to be stained in bathrooms and preschool room in violation of § 19a-79-7a (e) (5) of the Regulations;
 - d. the lighting in the writing area of the preschool room measured less than fifty (50) foot candles of light per square foot in violation of § 19a-79-7a (e) (9) of the Regulations;
 - e. potentially hazardous substances were not stored in a separated locked area where Clorox wipes, air freshener spray, bleach, and/or laundry detergent were observed on shelves and behind toilets, accessible to children in multi-rooms, storage room, laundry room, and/or bathrooms in violation of § 19a-79-7a (e) (10) of the Regulations; and/or
 - f. the outdoor play areas were not free of glass, debris, and other hazards where a broken window was observed in the playground area in violation of § 19a-79-7a (h) (3) of the Regulations.
 22. As a result of a full unannounced inspection on March 14, 2022, the Operator failed to meet the requirements for the under three endorsement when:
 - a. the proper staff to child ratio of one program staff person for every four children under the age of three, or a fraction thereof was not maintained when staff were observed to continually enter and

- leave the preschool room causing insufficient staff with thirteen children, two of which were under the age of three, in violation of § 19a-79-10 (c) (2) of the Regulations;
- b. the proper group size of eight children was exceeded where thirteen children of mixed ages, including two children under the age of three, were observed in one group in violation of § 19a-79-10 (c) (3) of the Regulations;
 - c. each group of eight children was not separated by a physical barrier where thirteen children of mixed ages, including two children under the age of three, were observed in one group in violation of § 19a-79-10 (c) (4) of the Regulations;
 - d. the diaper changing policy and procedure was not posted in the diapering area of one classroom in violation of § 19a-79-10 (e) (8) of the Regulations;
 - e. plastic bags and toys with a diameter of less than one and one-quarter (1 ¼) inches were observed to be accessible to children under the age of three years in violation of § 19a-79-10 (h) (2) of the Regulations;
 - f. a review of the Operator's records revealed that the health consultant did not conduct the visits required by the regulations and/or the log lacked documentation thereof in violation of § 19a-79-10 (i) of the Regulations;
 - g. the facility did not use disposable bottles, and/or the facility did not utilize a dishwasher or dishwashing system approved by the local health director to wash bottles where staff reported that one bottle was used to feed a child throughout the day, without using an approved dishwasher or dishwashing system in violation of §19a-79-10 (k) (3) of the Regulations; and/or
 - h. each child's bottle was not individually identified with the child's name where five bottles were observed to be unlabeled in violation of § 19a-79-10 (k) (5) of the Regulations.
23. As a result of a full unannounced inspection on March 14, 2022, the Operator failed to meet the requirements for the school-age children endorsement when the program did not provide adequate opportunities for creative, recreational, and restful activities as appropriate to meet the needs of the school age children where such children were placed in the preschool room in violation of § 19a-79-11 (c) of the Regulations.
24. As a result of a March 22, 2022 follow-up visit to the March 14, 2022 inspection, the Operator failed to meet the requirements for staffing when the proper staff to child ratio of one program staff for every ten children, or fraction thereof in attendance was not maintained where one staff was observed with thirteen preschool children in violation of § 19a-79-4a (c) (4) of the Regulations.
25. As a result of a March 22, 2022 follow-up visit to the March 14, 2022 inspection, the Operator failed to meet the requirements for the under three endorsement when the proper staff to child ratio of one program staff for every four children, or fraction thereof in attendance was not maintained when one staff was observed with five toddlers in violation of § 19a-79-10 (c) (2) of the Regulations.
26. As a result of a March 28, 2022 follow-up visit to the March 14, 2022 inspection, the Operator failed to meet the requirements for staffing when the proper staff to child ratios of one program staff for every ten children or fraction thereof in attendance was not maintained where two staff were observed with twenty-one children in violation in violation of §§ 19a-79-4 (c) (4) of the Regulations.
27. As a result of a March 28, 2022 follow-up visit, to the March 14, 2022 inspection, the Operator failed to meet the requirements for the under three endorsement when the proper staff to child ratio of one program staff for every four children, or fraction thereof in attendance was not maintained where one staff was observed with five toddlers in violation of § 19a-79-10 (c) (2) of the Regulations.



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

STATE OF CONNECTICUT

OFFICE OF EARLY CHILDHOOD



Connecticut Office of
Early Childhood

Beth Bye
Commissioner

First Class Mail
Certified mail
Email @ charlespinkii@gmail.com

EXHIBIT B

August 17, 2022

DRAFT

SECOND NOTICE OF PROPOSED LICENSURE ACTION AND STATEMENT OF CHARGES

IN THE MATTER OF:

New Creation Foundation, Inc.
c/o Charlie W. Pink, Jr., Legal Representative
893 Boston Road
Springfield, MA 01119-1315

RE: New Creation Academy Bloomfield
522 Cottage Grove Road, Bldg. A
Bloomfield, CT 06002-3111
Child Care Center License #70458

Pursuant to General Statutes § 19a-84 and § the 19a-79-2a (d) of the Regulations of Connecticut State Agencies, the Connecticut Office of Early Childhood (“Agency”) hereby provides notice of its intent to seek revocation or other disciplinary action as the Agency deems appropriate and consistent with the law against the above named Child Care Center license based on the following charges:

1. New Creation Foundation, Inc., of Springfield, Massachusetts, (“Operator”) is, and will be at all times referenced in this Statement of Charges, the holder of Connecticut Child Care Center License # 70458 to operate a child care center named New Creation Academy Bloomfield, located at 522 Cottage Grove Road, Building A, Bloomfield, CT 06002 (“program”). The Operator is responsible for compliance with the requirements of §§ 19a-79-1a through 19a-79-13 of the Regulations.
2. Charlie W. Pink is the legal representative of the Operator.
3. As a result of a full unannounced inspection conducted on July 25, 2022, the Agency found that the Operator failed to maintain the requirements for the administration of a child care center when a review of the Operator’s records revealed that:
 - a. the annual training on the child care center policies, plans, and procedures was not conducted for one employee, and/or the file lacked documentation thereof in violation of § 19a-79-3a (b) (7) of the Regulations;
 - b. the daily attendance records for staff were not accessible where the records were locked in an office and/or incomplete where the Director’s recorded times of arrival and departure were not recorded in the designated notebook in violation of § 19a-79-3a (d) (1) of the Regulations;

- c. a current fire marshal certificate was not posted in a conspicuous place, accessible to the public, in violation of § 19a-79-3a (e) (2) of the Regulations; and/or
 - d. the OEC document describing key developmental milestones experienced by children from birth to age five was not posted in a conspicuous place in violation of Public Act 19-106.
4. As a result of a full announced inspection conducted on July 25, 2022, the Agency found that the Operator failed to meet the requirements for staffing when a review of the Operator's records revealed that:
 - a. one staff file lacked a medical statement completed within the last twenty-four (24) months and/or a written report of a negative tuberculin test completed within twelve (12) months prior to the date of employment in violation of § 19a-79-4a (a) of the Regulations;
 - b. five staff files lacked documentation of a completed comprehensive background check in violation of § 19a-79-4a (b) (1) of the Regulations; and/or
 - c. at least two (2) staff members eighteen (18) years of age or older were not on the premises when one or more children were in attendance where records indicated that only one staff was on the premises for approximately 22 minutes with a child present in violation of § 19a-79-4a (c) (2) of the Regulations.
5. As a result of a full unannounced inspection conducted on July 25, 2022, the Agency found that the Operator failed to meet the requirements for record keeping when a review of the Operator's records revealed that:
 - a. the files for four children were not accessible and could not be provided upon request, and thus lacked enrollment information, written permission forms, and/or health records in violation of § 19a-79-5a (a) of the Regulations;
 - b. the files for two children contained incomplete enrollment information in violation of § 19a-79-5a (a) (1) of the Regulations; and/or
 - c. the health records for three children contained expired medical statements and/or the health record for one child lacked a medical statement in violation of § 19a-79-5a (a) (2) of the Regulations.
6. As a result of a full unannounced inspection conducted on July 25, 2022, the Agency found that the Operator failed to meet the requirements for health and safety when the portable, readily available first aid kit lacked a current (less than 5 years in print) first aid manual in violation of § 19a-79-6a (c) of the Regulations.
7. As a result of a full unannounced inspection conducted on July 25, 2022, the Agency found that the Operator failed to meet the requirements for the physical plant when:
 - a. the building and equipment were not maintained in a good state of repair and free of hazards in violation of § 19a-79-7a (c) (2) of the Regulations where it was observed that:
 - (1) rust was on the bottom of the door leading outside;
 - (2) bathroom vents were dirty;
 - (2) a doll house in the toddler room was not anchored; and/or
 - (3) a toilet in the girl's bathroom was dirty.
 - b. walls, ceilings, and floors were not maintained in a state of good repair in violation of § 19a-79-7a (e) (5) of the Regulations where it was observed that:
 - (1) one ceiling tile in classroom 5A was missing;
 - (2) a screen was ripped;

- (3) five ceiling tiles were stained in bathrooms; and/or
 - (4) paint was peeling on the wall by the backdoor.
 - c. the outdoor play areas were not free of glass, debris, and other hazards where rust was observed on the railing in the playground area in violation of § 19a-79-7a (h) (3) of the Regulations; and/or
 - d. potentially hazardous substances were not stored in a separated locked area where Lysol wipes, toilet bowl cleaner, and/or disinfectant spray were observed unlocked in the adult bathroom, and Lysol toilet cleaner was observed unlocked in the girls' bathroom in violation of § 19a-79-7a (e) (10) of the Regulations.
8. As a result of a full unannounced inspection conducted on July 25, 2022, the Agency found that the Operator failed to maintain the requirements for the administration of medications when a review of the Operator's records revealed that:
- a. the medication administration record for one child was incomplete where it lacked the year in which the medication was administered in violation of § 19a-79-9a (b) (4) of the Regulations;
 - b. one child's file contained an expired order from an authorized prescriber for an oral medication in violation of § 19a-79-9a (b) (3) of the Regulations; and/or
 - c. one child's file contained an order from an authorized prescriber, which was altered to correct a scrivener's error on the date without authorization from the physician in violation of § 19a-79-9a (b) (3) of the Regulations; and/or
 - d. one child's file contained an order from an authorized prescriber for an oral medication, indicating a range of 4-6 hours for administration of the medication in violation of § 19a-79-9a (b) (3) of the Regulations.
9. As a result of a full unannounced inspection conducted on July 25, 2022, the Agency found that the Operator failed to meet the requirements for the under three endorsement when:
- a. the diapering area was not used only for diapering purposes where toys were observed on the changing tables in two classrooms in violation of § 19a-79-10 (e) (2) of the Regulations; and/or
 - b. plastic bags were accessible to children under the age of three years where plastic bags were observed in toddler cubbies in violation of § 19a-79-10 (h) (2) of the Regulations.
10. As a result of an investigation that commenced on or about July 20, 2022, the Agency found that the Operator failed to maintain the requirements for the administration of a child care center when staff did not implement the Operator's "termination" policy requiring two-weeks' notice to the family when a child is terminated from the program where a child was denied access to the program on July 22, 2022, without such notice in violation of § 19a-79-3a (d) (7) (H) of the Regulations.
11. As a result of an investigation that commenced on or about July 20, 2022, the Agency found that the Operator failed to maintain the requirements for record keeping when a review of the Operator's records revealed that the record for one child lacked a complete immunization record in violation of § 19a-79-5a (a) (2) (C) of the Regulations.
12. As a result of an investigation that commenced on or about August 4, 2022, the Agency found that the Operator failed to maintain the requirements for the under three endorsement when staff did not maintain the requisite ratio of one staff for every for children where one staff was observed with eight children during naptime, with two children awake, in violation of § 19a-79-10 (c) (2) of the Regulations.