

**STATE OF CONNECTICUT
OFFICE OF EARLY CHILDHOOD
LEGAL DIVISION**

CONSENT ORDER

IN THE MATTER OF:

**Beach Babies Learning Center
Allison L. McCarthy, Legal Representative
210 Boston Post Road
Old Saybrook, CT 06475
Care Center License #16320**

WHEREAS, Beach Babies Learning Center, LLC of Old Saybrook, Connecticut ("Operator"), has been issued license # 16320 to operate a Child Care Center named Beach Babies Learning Center located at 210 Boston Post Road, Old Saybrook, Connecticut ("Facility") by the Connecticut Office of Early Childhood ("Agency") pursuant to General Statutes § 19a-80(b);

WHEREAS, Allison L. McCarthy 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 Agency makes the allegations contained in the draft Statement of Charges dated February 24, 2023 (attached hereto as Exhibit A);

WHEREAS, the Operator denies the allegations contained in Exhibit A;

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agreements, with regard to the subject matter of this Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof;

WHEREAS, the Operator, in consideration of this Consent Order, has chosen not to contest the above allegations 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 Conn. Gen. Stat. § 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 allegations referenced above without any further proceeding.
2. The allegations in this Consent Order shall be deemed true in any subsequent proceeding 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 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. 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. Such written policies and procedures shall include, but not be limited to, those pertaining to record keeping, physical plant, supervision and staff/child ratios, and shall include a written plan for the administrative oversight of the Facility requiring the Operator to conduct quarterly administrative on-site audits for a period of one year from the effective date of this Consent Order and to address verbally and in writing with the Director and any Assistant Director(s) the findings and recommendations after each audit. The foregoing policies and procedures shall be developed and implemented within two months of the effective date of this Consent Order. The Operator shall maintain the written policies and plans along with 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 conduct on-site observations for one year as follows: once every two months for a year. These observations shall include, but not be limited to, compliance with the Regulations pertaining to group size and staff/child ratios. The first observation shall be conducted by the education consultant within two 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 comply with all of the educational consultant’s recommendations and timelines for the Facility unless prior approval from the Agency has been obtained excusing compliance. The Operator shall maintain on site for Agency review appropriate documentation of such observations and implementations.

10. The Director shall be present at the Facility for all education consultant on-site visits required in paragraph 9 of this Consent Order. The Operator shall maintain, at the Facility for Agency review, appropriate documentation verifying such attendance.
11. The Operator shall ensure that Allison McCarthy has successfully completed three credits in the administration of early childhood education programs or educational administration from an institution of higher education accredited by the Board of Governors of Higher Education or from a regionally accredited institution of higher education no later than December 31, 2023. The Operator shall maintain on site for Agency review documentation of the successful completion of the three credits.
12. Within sixty days, and for a period of one year from the hiring of additional staff, the Operator shall ensure that Allison McCarthy is on-site and conducting administrative duties at the Facility at least 60% of the time the Facility is in operation on a weekly basis, excepting therefrom any routine absences including, but not limited to, sick time and vacation time, in order to ensure compliance with the Facility’s policies and procedures, the Regulations, and the terms of this Consent Order. The Operator shall maintain appropriate documentation verifying the days and hours Allison McCarthy is on-site at the Facility and detailing the weekly administrative tasks completed by Allison McCarthy at the Facility for Agency review.
13. The Operator shall ensure that the designated Director successfully completes, within one month of effective date of the Consent Order, the course entitled “Elements of Professionalism in Early Childhood Education,” which can be accessed through the Operator’s Early Childhood Professional Registry account located at <https://ccacregistry.org/>.
14. 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. Such training shall include a review of the requirements of the Regulations pertaining to such topic, including but not limited to ratio, feeding, and safe sleep. This training shall be conducted within two months of the effective date of this Consent Order. For a period of no less than two years from the effective date of this Consent Order, 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.
15. The Operator shall provide all consultants referenced herein with a copy of this fully executed Consent Order, including the draft statement of charges (Exhibit A), upon entering into contract with the consultant.
16. 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, ratio, 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.

17. The Operator shall pay a civil penalty of \$500 (five hundred 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.
18. 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.
19. 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.
20. 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.
21. The terms of this Consent Order shall be binding upon and enforceable against the Legal Operator's successors and assigns, as provided by law.
22. 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. Allison L. McCarthy represents that she, as the Legal Representative, 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
Beach Babies Learning Center, LLC

CONNECTICUT OFFICE OF EARLY CHILDHOOD
Beth Bye, Commissioner

By: 

Allison L. McCarthy
Legal Representative
Beach Babies Learning Center, LLC

By: 

Elizabeth Proietti, Director
Division of Licensing

August 9, 2023

September 1, 2023

August 9, 2023



Ned Lamont
Governor
Susan Bysiewicz
Lt. Governor

STATE OF CONNECTICUT

OFFICE OF EARLY CHILDHOOD



Beth Bye
Commissioner

EXHIBIT A

February 24, 2023

DRAFT NOTICE OF PROPOSED LICENSURE ACTION AND STATEMENT OF CHARGES

IN THE MATTER OF:

**Beach Babies Learning Center, LLC
c/o Allison L. McCarthy, Legal Representative
210 Boston Post Road
Old Saybrook, CT 06475**

**RE: Beach Babies Learning Center
210 Boston Post Road
Old Saybrook, CT 06475
Care Center License #16320**

Pursuant to General Statutes § 19a-84 and § 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. Beach Babies Learning Center, LLC of Old Saybrook, Connecticut, (“Operator”) is, and will be at all times referenced in this Statement of Charges, the holder of Connecticut Child Care Center License # 16320 to operate a child care center named Beach Babies Learning Center located at 210 Boston Post Road, Old Saybrook, CT (“Program”). The Operator is responsible for compliance with the requirements of §§ 19a-79-1a through 19a-79-13 of the Regulations.
2. Allison L. McCarthy is the legal representative of the Operator.

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3. As a result of an investigation that began on or about September 2, 2022, the Agency found that the Operator failed to meet the requirements for staffing when a review of the Operator’s records revealed that one staff member lacked a completed comprehensive background check (i.e., no documentation of “work supervised” or “current” BCIS status) in violation of § 19a-79-4a (b) of the Regulations.
4. As a result of an investigation that began on or about September 2, 2022, the Agency found that 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 in three classrooms in violation of § 19a-79-10 (c) (2) of the Regulations where:

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450 Columbus Boulevard, Suite 303
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www.ct.gov/oec
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- (1) one staff member was observed with nine children;
- (2) one staff member was observed with eight children;
- (3) one staff member was observed with nine children; and/or
- b) group size exceeded eight children where two separate groups of nine children were observed in two separate rooms in violation of § 19a-79-10 (c) (3) of the Regulations.

5. As a result of a September 19, 2022 follow-up visit related to the September 2, 2022 investigation, the Agency found that 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 one staff was observed with ten children in violation of § 19a-79-10 (c) (2) of the Regulations;
 - b) group size exceeded eight children where ten children of mixed ages, including some under the age of three, were observed in one group in violation of § 19a-79-10 (c) (3) of the Regulations; and/or
 - c) infants were not put to sleep in a well-constructed, free-standing crib or bed designed for infant sleeping where an infant was observed asleep in a swing in violation of § 19a-79-10 (g) (1) of the Regulations.

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6. As a result of a full unannounced inspection on January 5, 2023, 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. one staff member did not receive new staff orientation and/or the file lacked documentation thereof in violation of § 19a-79-3a (b) (7) of the Regulations; and/or
 - b. the Agency was not notified of changes in programs or services at least thirty (30) days prior to the effective date of the proposed change where the Operator utilized a classroom for children under the age of three years without notifying the Agency and/or receiving prior approval in violation of § 19a-79-3a (c) (2) of the Regulations.
7. As a result of a full unannounced inspection on January 5, 2023, 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 signed by a physician, APRN or physician assistant, completed within the last twenty-four (24) months for current staff, and/or one staff file for a new staff lacked such medical statement, completed within twelve months prior to the date of employment and 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/or (2) of the Regulations;
 - b. one staff person lacked a completed comprehensive background check (i.e., no documentation of "work supervised" or "current" BCIS status) in violation of § 19a-79-4a (b) (1) of the Regulations;
 - c. no written plans for consultation services for the education, social services, health and/or dental consultants were on file in violation of § 19a-79-4a (h) of the Regulations; and/or

- d. the education, social services, and/or dental consultant did not conduct an annual review of written policies, plans and procedures and/or such consultant did not document such review in a consultation log in violation of § 19a-79-4a (h) (2) (A) and/or (G) of the Regulations.
8. As a result of a full unannounced inspection on January 5, 2023, the Operator failed to meet the requirements for record keeping when a review of the Operator's records revealed that:
- a. no enrollment or health record was maintained on the licensed premises for one enrolled child in violation of § 19a-79-5a (a) of the Regulations;
 - b. the enrollment record for one child lacked the written permission form signed by the parent, authorizing one responsible person other than the parent(s) who can remove the child from the program in violation of § 19a-79-5a (a) (1) (D) (ii) of the Regulations;
 - b. the health record for one child lacked a physical examination form signed by a physician, physician assistant or APRN documenting an examination completed within one (1) year prior to enrollment, and yearly from the date of the initial physician examination in violation of § 19a-79-5a (a) (2) (B) of the Regulations;
 - c. the health records for three children lacked immunization records for the flu vaccine in violation of § 19a-79-5a (a) (2) (C) of the Regulations; and/or
 - d. the individual plans of care for two children with special health care needs were not signed by the staff responsible for the care of the children in violation of § 19a-79-5a (a) (2) (E) of the Regulations.
9. As a result of a full unannounced inspection on January 5, 2023, the Operator failed to meet the requirements for the physical plant when the outdoor play space was not free of hazards where a green artificial turf mat was not properly secured and bunched-up, posing a tripping hazard on the under three playground in violation of § 19a-79-7a (h) (3) of the Regulations.
10. As a result of a full unannounced inspection on January 5, 2023, the Agency found that the Operator failed to meet the requirements for the administration of medications when a review of the Operator's records revealed that two medications (Benadryl) observed on-site lacked the corresponding written order of an authorized prescriber in violation of § 19a-79-9a (b) (3) of the Regulations.
11. As a result of a full unannounced inspection on January 5, 2023, the Agency found that 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 where one staff was observed with eight children of mixed ages, of which at least one was under the age of three years in violation of § 19a-79-10 (c) (2) of the Regulations;
 - b. three children under the age of three were observed in the preschool classroom without written authorization from the parent and Director in violation of General Statutes § 19a-80h;
 - c. group size exceeded eight children where eleven children, three of which were under the age of three years, were observed in one group in violation of § 19a-79-10 (c) (3) of the Regulations;

- d. the sink designated for handwashing after diaper changing was used for other purposes where a binky and sweatshirt were observed in the handwash-only sink in violation of § 19a-79-10 (d) (1) (B) of the Regulations; and/or
- e. diapering areas were used for purposes other than diapering where a phone, bottles, pads, binkies and clothes were observed piled on the changing table in three classrooms in violation of § 19a-79-10 (e) (2) of the Regulations

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12. As a result of a partial unannounced inspection on January 18, 2023, the Agency found that the Operator failed to meet the requirements for the licensure procedures when a review of the Operator's records revealed that staff knowingly furnished or made false or misleading statements where a staff falsely reported that eight children were three years of age or older in violation of § 19a-79-2a (d) (2) (B) of the Regulations.
13. As a result of a partial unannounced inspection on January 18, 2023, 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 the daily attendance records for children were incomplete where the specific times of arrival were not recorded for children in three separate classrooms in violation of § 19a-79-3a (d) (1) of the Regulations.
14. As a result of a partial unannounced inspection on January 18, 2023, the Agency found that the Operator failed to meet the requirements for record keeping when a review of the Operator's records revealed that no enrollment or health record was maintained on the licensed premises for one enrolled child in violation of § 19a-79-5a (a) of the Regulations.
15. As a result of a partial unannounced inspection on January 18, 2023, the Agency found that the Operator failed to meet the requirements for the physical plant when:
 - a. an area available for the individual storage of each child's clothing and bedding was not available and/or utilized where children's shoes were observed in one pile in a preschool room in violation of § 19a-79-7a (a) (d) (8) of the Regulations;
 - b. potentially hazardous substances were not stored in a separate locked area where a bleach-water spray bottle was observed unlocked and accessible to children in a preschool room in violation of § 19a-79-7a (e) (10) of the Regulations; and/or
 - c. the procedures for pet care and maintenance were not written and/or implemented when a review of the Operator's records revealed no written pet care plan for fish kept on the premises and no implementation of a plan where the fish tank was observed to contain green water in violation of § 19a-79-7a (e) (15) of the Regulations.
16. As a result of a partial unannounced inspection on January 18, 2023, the Agency found that the Operator failed to meet the requirements for the under three endorsement when the diapering areas were used for purposes other than diapering where a book and a mat were observed on the changing table in a classroom and/or a bottle was observed on the changing table in the infant room in violation of § 19a-79-10 (e) (2) of the Regulations.