

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

CONSENT ORDER

IN THE MATTER OF:

Child Care Center License # 70477
The Learning Curve Daycare Center
Nadiha Lindsay, Legal Representative

WHEREAS, Nadiha Lindsay of Bridgeport, Connecticut (“Operator”), has been issued license # 70477 to operate a Child Care Center named The Learning Curve Daycare Center located at 60 Connolly Parkway, Bldg. 18, Hamden, Connecticut (“Facility”) by the Connecticut Office of Early Childhood (“Agency”) pursuant to General Statutes § 19a-80(b);

WHEREAS, Nadiha Lindsay 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 May 16, 2024 (attached hereto as Exhibit A) 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agreements, with regard to the subject matter of this Consent Order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof; and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 agreement 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 be 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 two weeks of the effective date of this Consent Order, the Operator shall contact the State of Connecticut's Consultation Quality Improvement Support (CQIS) initiative at cqis@ctaeyc.org to conduct training for all staff on the Regulations related to the topic of caring for children under the age of three years, including but not limited to ratio, feeding, diapering, and health and safety. This training shall be conducted within one month of the effective date of this Consent Order and the Operator shall ensure that all new staff receive similar training prior to their assuming caregiving responsibilities. The Operator shall maintain documentation of such training on file at the Facility for Agency review.
9. Within two weeks of the effective date of this Consent Order, the Operator shall contact the State of Connecticut's Consultation Quality Improvement Support (CQIS) initiative at cqis@ctaeyc.org to conduct on-site observations at the facility to document compliance and/or non-compliance with the regulations pertaining to the under three endorsement. Such observations shall be conducted monthly for six months. The designated Director shall be present at all on-site observations. The first observation shall be conducted by CQIS within one month of the effective date of this Consent Order.
10. Within two weeks of the effective date of this Consent Order, the Operator shall contact the State of Connecticut's Consultation Quality Improvement Support (CQIS) initiative at cqis@ctaeyc.org to obtain assistance with the review, development, and implementation of written policies and procedures to ensure the Facility's compliance with the Regulations pertaining to record keeping, under three endorsement, and physical plant. Within two months of the effective date of this Consent Order, the Operator shall have developed and implemented the foregoing written policies and procedures. The Operator shall maintain documentation of such policies and procedures at the Facility for Agency review.

11. CQIS shall conduct monthly on-site observations for one year to document compliance and/or non-compliance with the written policies and procedures developed pursuant to paragraph 10 of this Consent Order. The monthly on-site observations shall rotate between announced and unannounced. The Operator shall ensure that the first observation by CQIS is conducted within two months of the effective date of this Consent Order. Within two weeks after each observation, CQIS shall submit a written evaluation with recommendations and timelines for improvement to the Operator. For a period of two years from the effective date of this Consent Order, the Operator shall implement all of CQIS' recommendations and timelines unless prior approval from the Agency has been obtained excusing compliance. The Operator shall maintain documentation of the required observations, written evaluations, and written verification of implementation at the Facility for Agency review.
12. The designated Director shall be present at the Facility for all CQIS on-site visits required in paragraph 11 of this Consent Order. The Operator shall maintain appropriate documentation verifying such attendance at the Facility for Agency review.
13. The Operator shall not start construction, expansion, renovation or conversion of any space, indoors or outdoors, at the facility prior to submitting such plan(s) indicating the proposed use and accompanied by a written narrative to the Agency prior to the start of construction. The Operator shall ensure that all construction, remodeling, renovation, repairs or alternations of structures shall be done in such a manner to prevent hazards or unsafe physical or environmental conditions during period of operation. If the Operator violates this paragraph and/or the corresponding requirements set forth in Regulation § 19a-79-7a (b), the Operator shall cease operation immediately upon notice from the Agency and shall not operate until it receives written approval from the Agency of (1) the Agency's approval of the Operator's written plan(s); and/or (2) measures put in place by the Operator to ensure that all construction, remodeling, renovation, repairs or alternations of structures is being done in such a manner to prevent hazards or unsafe physical or environmental conditions during period of operation. The Operator agrees that it is waiving all rights to challenge and/or appeal such decision(s) by the Agency in any forum including but not limited to Connecticut Superior Court.
14. For a period of one year from the effective date of this Consent Order, the Operator shall ensure that the designated Director is on site at the Facility at least 60% of the time the Facility is in operation on a weekly basis. If the designated Director is unable to be onsite a sufficient number of hours to satisfy the condition, it is permissible for an Assistant Director to satisfy the outstanding onsite hours. However, it is the intent of the parties that the Director make all efforts to be onsite 60% of the time, with the understanding that extenuating circumstances may cause the Director to be unavailable and/or the Director may take time off that could reduce her availability. The Operator shall maintain documentation of attendance for the designated Director and Assistant Director(s) at the Facility, and documentation of the reason for any absence (e.g., vacation, sick) by the Director for Agency review.
15. For a period of one year from the effective date of this Consent Order, the Operator's capacity for children under the age of three years shall not exceed 30 and its overall capacity shall not exceed 53. After six months, the Operator may submit a request to amend this condition and seek an increase in capacity. The Operator understands and agrees that the Agency may take into consideration compliance with the terms of this Consent Order and the Regulations pertaining to child care centers, and may, at its sole discretion, deny such request for an increase to capacity.

The Operator agrees that it is waiving all rights to challenge and/or appeal such decision(s) by the Agency in any forum including but not limited to Connecticut Superior Court.

- 16. Upon the expiration of any condition in this Consent Order, the Agency may, at its sole discretion, extend such condition for a period of up to one year from the date of expiration.
- 17. The Operator shall provide the CQIS with a copy of this fully executed Consent Order, including all exhibits.
- 18. The Operator shall pay a civil penalty of \$500.00 (five hundred and 00/100 dollars) 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.
- 19. Any violation of the terms of this Consent Order shall constitute grounds for the Agency to take other appropriate action against the license.
- 20. 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.
- 21. 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.
- 22. The terms of this Consent Order shall be binding upon and enforceable against the Legal Operator’s successors and assigns, as provided by law.
- 23. 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. Nadiha Lindsay 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
Nadiha Lindsay

By: _____
Nadiha Lindsay

CONNECTICUT OFFICE OF EARLY CHILDHOOD
Beth Bye, Commissioner

By: _____
Elizabeth Proietti, Director
Division of Licensing

Date Signed: 7/15/24

Date Signed: 7/18/24



Ned Lamont
 Governor
 Susan Bysiewicz
 Lt. Governor

STATE OF CONNECTICUT

OFFICE OF EARLY CHILDHOOD



Connecticut Office of
 Early Childhood

Beth Bye
 Commissioner

Certified Mail
 First Class

May 16, 2024

DRAFT

NOTICE OF PROPOSED LICENSURE ACTION AND STATEMENT OF CHARGES

IN THE MATTER OF:

Nadiha Lindsay
c/o Nadiha Lindsay, Legal Representative
70 Lincoln Boulevard
Bridgeport, CT 06606-5550

RE: The Learning Curve Daycare Center
60 Connolly Parkway, Building 18
Hamden, CT 06514-2519
Child Care Center License # 70477

Pursuant to Sections 19a-84 of the Connecticut General Statutes (“Statutes”) and 19a-79-2a(d) of the Regulations of Connecticut State Agencies (“Regulations”), 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. Nadiha Lindsay (“Operator”) is and has been at all times referenced in this Statement of Charges the holder of Connecticut Child Care Center License # 70477 to operate a child care center named The Learning Curve Daycare Center located at 60 Connolly Parkway, Building 18, Hamden, CT 06514 and, as such, is responsible for compliance with the requirements of §§ 19a-79-1a through 19a-79-13 of the Regulations.
2. Nadiha Lindsay is the legal representative of the Operator.

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3. As a result of an investigation that began on or about December 6, 2023, the Agency found that the Operator failed to meet the requirements for the administration of a child care center in one or more of the following ways:
 - a. the Operator failed to ensure the safety, health and development of children where a child suffered a rash as a result of an inaccurately mixed bleach-water solution in violation of § 19a-79-3a (a) of the Regulations;

- b. a review of the Operator's files revealed that one staff did not receive new employee orientation and/or annual training on the Operator's policies, plans and procedures and/or the file lacked documentation thereof in violation of § 19a-79-3a (b) (7) of the Regulation; and/or
 - c. staff did not implement the Operator's "Nutrition and Feeding and Mealtimes" policy, requiring the use of "Feeding Forms" where an infant was in care for two days without a feeding form in violation of § 19a-79-3a (d) (7) of the Regulations.
4. As a result of an investigation that began on or about December 6, 2023, 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 who provided care or had unsupervised access to children enrolled in the program lacked a completed comprehensive background check (i.e., documentation of "work supervised" or "current" BCIS status) in violation of § 19a-79-4a (b) of the Regulations.
5. As a result of an investigation that began on or about December 6, 2023, the Agency found that the Operator failed to meet the requirements for the under three endorsement in one or more of the following ways:
- a. infants were not held for all bottle feedings where an infant was observed on a "rocker" holding a bottle in violation of § 19a-79-10 (j) of the Regulations; and/or
 - b. the Operator did not obtain a written feeding schedule from parents where an infant was in care for two days without a feeding schedule in violation of § 19a-79-10 (k) of the Regulations.

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6. As a result of a full unannounced inspection on February 7, 2024, the Agency found that the Operator failed to meet the requirements for licensure procedures when a review of the Operator's records revealed that the Operator failed to ensure that the local health director conducted an inspection every two years where the local health certificate was more than two years old in violation of § 19a-79-2a (c) (7) of the Regulations.
7. As a result of a full unannounced inspection on February 7, 2024, 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 employee orientation was not conducted for two employees and/or annual training on the child care center policies, plans, and procedures was not conducted for four employees and/or their files lacked documentation thereof in violation of § 19a-79-3a (b) (7) of the Regulations;
 - b. the daily attendance records for staff were incomplete where they lacked times of departure for 5 days in violation of § 19a-79-3a (d) (1) of the Regulations;
 - c. the Operator's handwashing policy, requiring staff to wash their hands before and after diaper changes, was not implemented where one staff was observed not to wash his/her hands before a diaper change and/or did not wash the child's hands before and after the diaper change in violation of § 19a-79-3a (d) (7) of the Regulations; and/or
 - d. the current fire marshal certificate was not posted in a conspicuous place, accessible to the public where the posted certificate was expired in violation of § 19a-79-3a (e) (2) of the Regulations.

8. As a result of a full unannounced inspection on February 7, 2024, the Agency found that the Operator failed to maintain the requirements for staffing when a review of the Operator's records revealed that four staff lacked documentation of annual professional development in violation of § 19a-79-4a (a) (3) of the Regulations.
9. As a result of a full unannounced inspection on February 7, 2024, the Agency found that the Operator failed to meet the requirements for the physical plant when:
 - a. the building, equipment and services were not maintained in a good state of repair and free from hazards in violation of § 19a-79-7a (c) (2) of the Regulations when one or more of the following was observed:
 - (1) dried food and/or exposed particle board on/in the front upper and lower cabinets;
 - (2) a cabinet door fell off during the inspection; and/or
 - (3) the microwave in the preschool room was not secured where a power cord hanging from the microwave was accessible to children;
 - b. electrical outlets were not provided with safety covers in the preschool room in violation of § 19a-79-7a (d) (10) of the Regulations;
 - c. walls, ceilings, floors, and rugs were not maintained in a state of good repair where food and crumbs were observed on the floors and/or rugs throughout the facility in violation of § 19a-79-7a (e) (5) of the Regulations;
 - d. potentially hazardous substances were not stored in a separate locked area where cleaners were observed in the unlocked staff bathroom in violation of § 19a-79-7a (e) (10) of the Regulations;
 - e. the playground was not free of glass, debris, holes, and other hazards when protruding bricks were observed within the fall zones by a little tikes climber and/or cracks were observed on the platform of the little tikes climber in violation of § 19a-79-7a (h) (3) of the Regulations; and/or
 - f. outdoor play areas were not protected from traffic and other hazards by barriers in a manner safe for children when the fence used to protect children measured less than four (4) feet in height where the fence measured 45-47.5 inches in multiple areas in violation of § 19a-79-7a (h) (7) of the Regulations.
10. As a result of a full unannounced inspection on February 7, 2024, the Operator failed to meet the requirements for the under three endorsement when an appropriate physical barrier separating each group of 8 children was not observed where a crib was used as a barrier in violation of § 19a-79-10 (c) (4) of the Regulations.
11. As a result of an April 9, 2024 follow-up visit to the February 7, 2024 inspection, the Agency found that the Operator failed to meet the requirements of the administration of a child care center in one or more of the following ways:
 - a. the Agency was not notified of changes in licensed capacity at least thirty (30) days prior to the effective date of the proposed change where the Operator closed two classrooms due to construction without notifying the Agency in violation of § 19a-79-3a (c) of the Regulations; and/or
 - b. the current fire marshal certificate was not posted in a conspicuous place, accessible to the public where the posted certificate was expired in violation of § 19a-79-3a (e) (2) of the Regulations.

12. As a result of an April 9, 2024 follow-up visit to the February 7, 2024 inspection, the Agency found that the Operator failed to meet the requirements for the physical plant in one or more of the following ways:
 - a. the building, equipment and services were not maintained in a good state of repair and free from hazards when a fridge was dirty and/or the microwave in the preschool room was dirty with dried food inside, on the sides, and/or on the base in violation of § 19a-79-7a (c) (2) of the Regulations;
 - b. plans for new construction, expansion, renovation or conversion, indicating the proposed use and accompanied by a written narrative were not submitted to the Agency prior to the start of construction in violation of § 19a-79-7a (b) of the Regulations;
 - c. construction, remodeling, renovation, repairs or alterations of structures were not done in a manner to prevent hazards or unsafe physical or environmental conditions during periods of operation where an active construction area was accessible to children as the work area was only separated from areas of child care by plastic sheeting secured to the ceiling in violation of § 19a-79-7a (b) (4) of the Regulations;
 - d. walls, ceilings, floors, and rugs were not maintained in a state of good repair in violation of § 19a-79-7a (e) (5) of the Regulations when:
 - (1) the walls in the preschool bathroom, the rugs in the preschool and young toddler room, and/or the floors in the preschool room were dirty; and/or
 - (2) rugs were not secured to the floor in the toddler room;
 - e. potentially hazardous substances were not stored in a separate locked area where Clorox wipes were observed on the counter in the preschool room and/or a spray bottle of bleach-water solution was observed on the handwashing sink in the toddler 1 room in violation of § 19a-79-7a (e) (10) of the Regulations;
 - f. outdoor play areas were not free of glass, debris and other hazards where large black plastic bags with pool noodles were observed accessible in the playground in violation of § 19a-79-7a (h) (3) of the Regulations;
 - g. nuts, bolts, and screws were loose and/or protruding screws were not covered or protected on the white gate on the side of the playground in violation of § 19a-79-7a (h) (4) of the Regulations; and/or
 - h. the outside equipment was not anchored and secured when a low swing on the side playground was unsecured in violation of § 19a-79-7a (h) (5) of the Regulations.

13. As a result of an April 9, 2024 follow up visit to the February 7, 2024 inspection, 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 fraction thereof, was not maintained where two staff members were observed with nine children in the toddler room in violation of § 19a-79-10 (c) (2) of the Regulations;
 - b. group size exceeded eight children where nine children under the age of three years were observed in one group in violation of § 19a-79-10 (c) (3) of the Regulations; and/or
 - c. the diapering area did not have a non-porous surface and/or was not kept in a good state of repair where two tears were observed on the blue mat on the changing table in violation of § 19a-79-10 (e) (3) of the Regulations.

14. As a result of an April 18, 2024 follow-up visit to the February 7, 2024 inspection, the Agency found that the Operator failed to meet the requirements for staffing when at least two staff eighteen years of age or older were not on the premises and available when one or more children are in attendance where a review of the Operator's records revealed that on April 18, 2024, only one staff was signed in at 7:30 a.m. with five children were present in violation of § 19a-79-4a (c) (2) of the Regulations.
15. As a result of an April 18, 2024 follow-up visit to the February 7, 2024 inspection, 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 five 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. an elevated sturdy table or counter equipped with a safety rail to change infants was not observed in the preschool room, which was being used to care for children under the age of three years in violation of § 19a-79-10 (e) (1) of the Regulations; and/or
 - c. stacking cubes with a diameter of less than one and one-quarter ($1 \frac{1}{4}$) inches were observed accessible to children under three years of age in violation of § 19a-79-10 (h) (2) of the Regulations.