

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

March 23, 2017

KIDS CAN COMMUNITY CENTER  
Kids Can Community Center, Licensee  
Stephanie Stickels, Director/Authorized Agent  
4860 Q Street  
Omaha, NE 68117

Dear Ms. Stickels:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on March 22, 2017, the original License of Kids Can Community Center to operate as a Child Care Center in the State of Nebraska has been placed on Corrective Action Status. A license imprinted with the term "Corrective Action Status" is enclosed. This status became effective March 22, 2017, and it will remain in effect until September 22, 2017. Upon completion of this term, a new license will be issued to the Child Care Center.

At this time we ask that you submit the current license of the Center by return mail, within the next seven (7) days, to DHHS, Division of Public Health, Licensure Unit, Attn: Marsha Wandersee, 301 Centennial Mall South, Lincoln, NE 68509-4986.

If you have any questions, please contact Jo Pfeiffer, Child Care Licensing Supervisor, at (402) 595-3335.

Sincerely,

A handwritten signature in black ink, appearing to be "Becky Wisell".

Becky Wisell, Administrator  
Licensure Unit  
301 Centennial Mall South  
Lincoln, NE 68509-4986

BW/dcp

cc: Children's Services Licensing

This license shall be kept available in the establishment and such proof of credentialing shall be shown upon request.

# State of Nebraska

Department of Health and Human Services  
Division of Public Health

## KIDS CAN COMMUNITY CENTER

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
Operating **Child Care Center**  
located at: **4860 Q ST OMAHA NE 68117**

A maximum of **125** children in ages **18 MOS** to **13 YRS** may be in attendance at any one time during  
the hours of **0600** to **1800** on **MTWTHF**.

**KIDS CAN COMMUNITY CENTER** is hereby issued License No. **CCC7132**  
whose status is **Active-Corrective Action Status** effective from **03/22/2017**

Amended: **03/22/2017**

Given under the name and Seal of the Department  
of Health and Human Services Regulation and  
Licensure of the State of Nebraska at Lincoln on  
**March 24, 2017.**



Thomas L. Williams, MD <sup>MD</sup> Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

March 16, 2017

CERTIFIED MAIL and REGULAR MAIL

*Kids Can Community Center  
Kids Can Community Center, Licensee*

*4860 Q St.  
Omaha NE 68117*

Dear Ms Stephanie Stickels, Director

Nebraska Revised Statutes, section 71- 1911 (4), of the Child Care Licensing Act provides that the department may place a license on Corrective Action Status.....A non-disciplinary probationary license may be issued for the licensee to operate under Corrective Action Status if the department determines that:

- a) The Licensee is unable to comply with all licensure requirements and standards or has had a history of noncompliance;
- b) The effect of noncompliance with any rule or regulation does not present an unreasonable risk to the health, safety or well-being of children or staff; and
- c) The Licensee has a written plan of correction that has been approved by the department.

**REGULATORY BASIS:**

**391 NAC 3-006.19 Supervision of Children:** Adequate and appropriate supervision must be provided to childre at all times childre are in attendance, **in pertinent part...** Ultimate responsibility for supervision rests with the licensee.

On February 13, 2017 the Department substantiated that a year old female child had left the building unnoticed by staff then found approximately 5-10 minutes later up the street at the Snack Attack.

**FACTS:**

Based on the facts presented above and the regulations violated, the department is placing your operating license on Corrective Action Status for a period of six months.

Corrective Action Status is voluntary and the decision regarding placement on Corrective Action Status is not appealable. However, you are required to submit a written Plan of Correction that must be approved by the department. The following items must be included in your written Plan of Correction:

1. Identification of issue(s) of concern;

2. Provisions for how you will correct and maintain compliance;
3. Specify the written documentation to be provided to the Department;
4. Identify who is responsible (include position titles) for corrections and maintenance of compliance;  
and
5. Timelines.

Please submit your written Plan of Correction to Michele McClellan, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, 1313 Farnam St., Omaha, NE 68102 **within ten calendar days** after you receive this letter.

If you do not submit a written Plan of Correction, or the written Plan of Correction is not approved, the department may discipline your license by imposing one or a combination of the following types of Disciplinary Action:

1. Issue a probationary (disciplinary) license;
2. Suspend or revoke a provisional, probationary, or operating license;
3. Impose a civil penalty of up to five dollars per child, based upon the number of children for which the program is authorized to provide child care on the effective date of the finding of violation, for each day the program is in violation;
4. Establish restrictions on new enrollment in the program;
5. Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
6. Establish other restrictions or limitations on the type of service provided by the program.

If you have any questions regarding this letter, please contact Michele McClellan, CCIS at 402-595-3345 or Jo Pfeiffer Children's Services Licensing Supervisor at 402-595-3335.

Sincerely,

~~Jo Pfeiffer~~ Child Care Licensing Supervisor  
Office Children's Services Licensing  
Nebraska Department of Health and Human Services  
1313 Farnam St. Omaha NE 68102

cc: **Michele McClellan, Child Care Inspection Specialist**  
**Office of Children's Services Licensing, Central Office**  
**Ernest Brodecky, Social Services Resource Developer**

**Kids Can Corrective Action Plan, 3/21/2017:**

In light of the incident on February 13<sup>th</sup>, 2017 Kids Can has initiated several interventions to ensure we increasing our safeguards for the supervision of children. Each step is listed below for review.

1. All staff were required to meet with agency management to review their employment responsibilities regarding safety and supervision. Each staff signed a document acknowledging that this review took place and their understanding of their expectations. (Attachment 1)
2. Kids Can has implemented a transition log which requires Lead Teachers (Assistant Lead Teachers in the absence of the Lead Teacher) to do a face to name count for each transition during the day. Before departure from their location in the building they must conduct the count with accompanying check marks and record the number of students on the log. Upon arrival they to their destination they must conduct the same face to name count. This must be done for each transition throughout the day. This is done in addition to our counts every half hour. (Attachment 2)
3. Kids Can has installed an alarm system on 6 of our exit doors. This alarm system will sound when anyone enters or leaves the facility during designated hours. This will help alert staff if a child exits the building. The alarm system also includes a flashing light.
4. All staff will attend a two hour supervision training titled 'Supervision of Children' presented by Jennifer Haggart on 3/29 provided by DHHS.

February 13, 2017,

### Additions to Supervision Policy/Attendance Tracking

It is the responsibility of the staff to know the location of all students they are responsible for at any given time. The following is a review/addition to current policies/procedures to insure the safety of all children while in Kids Can care.

**Daily attendance sheets** will be filled out in 30 minute increments, (face to name.)

**Before**, as well as **after** each transition, children will be counted as well as face to name with attendance sheet to insure all children arrive safely to their destination.

Children will be **supervised** while in the **hallway/bathroom**.

Staff must know current numbers of kids in their group at all times.

Jill Garrett, M.Ed.  
Director of Early Childhood Education

Please Initial below you received and understand this policy.

C \_\_\_\_\_  
\_\_\_\_\_



Kids Can Community Center  
4880 "Q" Street  
Omaha NE 68117  
402-731-6988 PHONE  
402-731-0255 FAX  
www.KidsCanOmaha.org

*At Kids Can Community Center, our mission is to educate, engage, and inspire children through early childhood care and out-of-school experiences.*













# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

March 22, 2017

Kids Can Community Center  
4860 Q St.  
Omaha, NE 68117  
Atten: Kids Can Community Center , Licensee

Dear Ms. Stephanie Stickels, Director:

The Nebraska Department of Health and Human Services, Children's Services Licensing, has received your corrective action plan. The attached corrective action plan has been reviewed and given final approval effective March 22, 2017.

A new license identified with "Corrective Action Status" will be mailed to your facility. The new license is to be posted in a prominent location. This license status will be in effect for a period of six months from the date of approval, March 22, 2017 until September 22, 2017.

Compliance with the terms of the Corrective Action Status will be monitored by announced or unannounced inspections to your facility by Children's Services Licensing staff. Any violation may be grounds for discipline as the Office of Children's Services Licensing Program may determine appropriate.

If you have any questions, please contact Michele McClellan, Child Care Inspection Specialist, at 402-595-3345 or me.

Sincerely, /

Jo Pfeiffer, Child Care Licensing Supervisor  
Office of Children's Services Licensing  
Department of Health and Human Services  
1313 Farnam St.  
Omaha, NE 68102  
402-595-3335/ Jo.Pfeiffer@nebraska.gov

/jp

Cc: Michele McClellan, Child Care Inspection Specialist  
Heather Stryker, Resource Developer Supervisor

Marsha Wandersee, Administrative Assistant II

*Helping People Live Better Lives*

A decorative graphic at the bottom of the page consisting of a dark, wavy horizontal band with a lighter, textured area above it.



Division of Public Health, Licensure Unit  
301 Centennial Mall South, 3<sup>rd</sup> Floor, P.O. Box 94986  
Lincoln, NE 68509-4986  
Phone (402) 471-2115 FAX (402) 471-3577

Division of Public Health

State of Nebraska  
Dave Heineman, Governor

September 13, 2013

SOCIAL SETTLEMENT ASSOCIATION OF OMAHA  
d/b/a/ KIDS CAN COMMUNITY CENTER  
4860 Q Street  
Omaha, NE 68117

Dear Social Settlement Association of Omaha:

In accordance with the Notice of Disciplinary Action issued on August 27, 2013 by Joseph Acierno, MD, JD, Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services, your original License to operate a Child Care Center in the State of Nebraska has been placed on Probation. A license imprinted with the term "PROBATION" is enclosed. This status became effective September 12, 2013, and it will remain in effect until September 12, 2014. Upon completion of the Probation, a new license will be issued to you.

At this time we ask that you return your current license, within the next seven (7) days, to Marsha Wandersee in the Licensure Unit. If you have any questions, please contact Children's Services Licensing at (402) 471-9302.

Sincerely,

  
Helen L. Meeks, Administrator  
Licensure Unit

HLM/dcp

cc: Children's Services Licensing

This license shall be kept available in the establishment and such proof of credentialing shall be shown upon request.

# State of Nebraska

**PROBATION**

Department of Health and Human Services  
Division of Public Health

## SOCIAL SETTLEMENT ASSOCIATION OF OMAHA

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
Operating **Child Care Center**  
located at: 4860 Q ST OMAHA NE 68117

A maximum of 125 children in ages 18 MOS to 13 YRS may be in attendance at any one time during the hours of 0600 to 1800 on MTWTF.

**KIDS CAN COMMUNITY CENTER** Is hereby issued License No. **CCC7132** which is effective on **07/16/2003**

Amended: 09/12/2013

Given under the name and Seal of the Department of Health and Human Services Regulation and Licensure of the State of Nebraska at Lincoln on **September 13, 2013.**



*Joseph M. Alesano*  
Joseph M. Alesano, M.D., J.D., Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services

**NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES  
DIVISION OF PUBLIC HEALTH  
STATE OF NEBRASKA**

<b>IN THE MATTER OF:</b>	)	
<b>THE OPERATING CHILD CARE CENTER</b>	)	
<b>LICENSE OF THE SOCIAL SETTLEMENT</b>	)	<b>NOTICE OF</b>
<b>ASSOCIATION OF OMAHA D/B/A KIDS CAN</b>	)	<b>DISCIPLINARY ACTION</b>
<b>COMMUNITY CENTER</b>	)	

**LICENSED LOCATION: 4860 Q STREET, OMAHA, NE, 68117**

**NOTICE:**

The Social Settlement Association of Omaha (hereinafter referred to as "Social Settlement") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against Social Settlement's Operating Child Care Center license, Kids Can Community Center (hereinafter referred to as "Kids Can") for violation of the following:

**AUTHORITY:**

Nebraska Revised Statutes, section 71-1919, of the Child Care Licensing Act provides that "the Department may ... take disciplinary action against a license issued under the Child Care Licensing Act on any of the following grounds:

(1) Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the act;" ...

(4) Conduct or practices detrimental to the health or safety of a person served by or employed at the program;" ...

Nebraska Revised Statutes, section 71-1920, of the Child Care Licensing Act provides that "...the Department may impose any one or a combination of the following types of disciplinary action against a license issued under the Child Care Licensing Act: (a) issue a probationary license; ... (c) impose a civil penalty of up to five dollars per child, based upon the number of children for which the program is authorized to provide child care on the effective date of the finding of violation, for each day the program is in violation;" ...

391 NAC 3-008.01 Grounds for Denial or Disciplinary Action: "The Department may deny the issuance of or take disciplinary action against a license on any of the following grounds:

1. Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the Act; ...

4. Conduct or practices detrimental to the health or safety of an individual served by or employed at the program;" ...

391 NAC 3-006.19 Supervision of Children: "Adequate and appropriate supervision must be provided to children at all times children are in attendance, including during outdoor play. Ultimate responsibility for supervision rests with the licensee."

391 NAC 3-006.26 Transportation: "When transportation is provided for children in care, the licensee must ensure the following conditions are met: 1. No child must ever be left alone in the vehicle;" ...

## **FACTS AND FINDINGS**

Social Settlement is the licensee of an operating Child Care Center, Kids Can. This program was licensed on July 16, 2003 and is licensed for 125 children, 18 months to 13 years of age, 6:00 a.m. to 6:00 p.m., Monday through Friday.

On July 19, 2016, Michele McClellan (hereinafter referred to as "McClellan"), Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, and Lucinda Pascoe-Cass, Children and Family Services Specialist, Department of Health and Human Services, conducted a complaint investigation to Kids Can. Allegations had been received in that a child had been left on a program van while on a field trip.

During the interview with Terri Lewis (hereinafter referred to as "Lewis"), Chief Operation Officer of Kids Can, Lewis stated that a six year old, D, was left on a van during a field trip to the library. On the day of the incident, three vans were being used to transport. Each of the three van drivers, Eric, Alex and Liz, were given a list of children that they were responsible for while on the van and during the field trip. D was originally listed on Alex's list but due to the number of children on Alex's van, Liz moved D to Eric's van and verbally advised Eric of the change; however, Eric did not add D to his written list of children

According to the program's transportation procedure that is currently in place, there are a total of six times during the van ride (to an activity and back to the facility) that staff are to conduct a count of children; making a checkmark next to each child's name and the time when the check was made. Staff are to check each child's name when they are lined up to enter the van, once they are seated and have their seatbelts buckled, and finally once they exit the van at the field trip. Staff is then to conduct a check of the van. The same procedure is followed after the field trip when they are lined up to return to the center. According to each of the staff's field trip log, D's name shows on Alex's list with Eric's name written next to it. Eric's field trip log does not show D's name. Eric admitted that he was told to add D's name to his list and failed to do so. This is further complicated by the fact that Alex's log shows D getting checked in at 1:09 p.m. as standing in line at Kids Can, and being on her van and riding the van to the library that day.

In this particular case, staff was unaware that D was missing until the children were lining up to get back on the van to return to Kids Can. Liz contacted Lewis to report that D was missing and Lewis advised Liz at that time to recheck the library and bathroom area. During this time, staff then reported D being found on the van and determined that D had been on the van for about one hour and twenty minutes with an outside temperature of 84 degrees during this time.

Upon return to Kids Can, D's temperature was checked and it was 97.5 degrees. D was given water to drink and D's condition was monitored. D's father was notified of the incident. Erie's employment was terminated from Kids Can.

A review of Kids Can's licensing file shows that this program was placed on Corrective Action Status from October 18, 2011 to April 18, 2011 after a three-year-old was left unattended on a center van.

#### **DISCIPLINARY ACTION IMPOSED:**

Based on the facts presented above, the Department is imposing the following:

1. Social Settlement is assessed a civil penalty in the total amount of \$625.00 (\$5.00 times license capacity of 125 children times one day of non-compliance, July 19, 2013) effective September 12, 2013.

Said penalty must be paid on or by October 12, 2013, which is thirty (30) calendar days from the effective date of this Notice (September 12, 2013) and must be payable to the Nebraska Department of Health and Human Services, Division of Public Health, Licensure. Said penalty must be sent to Marsha Wandersee, Administrative Assistant, Nebraska Department of Health and Human Services, Division of Public Health, Licensure, Children's Services Licensing, P.O. Box 94986, Lincoln, Nebraska, 68509-4986.

2. Social Settlement's child care center license, Kids Can, is placed on disciplinary probation for a period of one year effective September 12, 2013. Terms and conditions will include:

a. By October 12, 2013, Social Settlement must develop and submit to the Department, a written revised Transportation Policy and Procedure which incorporates the use of checklists and what additional safeguards have been implemented to ensure that no child(ren) will be left alone inside center vehicles and/or the facility itself. This revised Policy and Procedure must also include how current and new staff, who have the responsibility for caring for children, which may include director/co-director, teacher, assistant teacher, certificated teacher, substitutes, volunteers, and vehicle drivers, will be made aware of this revised Transportation Policy and Procedure and how it will be maintained in staff files; as well as what disciplinary measures will/may occur if this revised Policy and Procedure is not complied with.

In addition, Social Settlement must include in the revised Policy and Procedure as to how individuals who are not normally the drivers for a particular route are instructed to complete the route including verbal contact with the parent at pick-up and identifying the child(ren) and his/her destination(s). This policy will also include when children are moved from the van s/he is originally assigned.

Further, the revised Policy and Procedure must include specific language as to how the center van/buses will be checked/monitored to ensure that no child(ren) is ever left alone in center van/buses at any time.

The revised Policy and Procedure must be submitted to the Department in writing. The Department agrees that after reviewing this written policy, it will either approve or require modifications. If modifications are required, Social Settlement must within ten calendar days of notice by the Department resubmit the written policy to the Department with the required modifications. The Department reserves the right to make minor unilateral modifications to the written policy.

Once approved, Social Settlement must implement the Policy and Procedure as approved by the Department.

b. By December 30, 2013, Social Settlement must ensure that all Kids Can employees designated as vehicle drivers will register/enroll, attend and successfully complete Safe Kids NE Child Care Transportation presented by the National Safety Council of Nebraska, 11620 M Circle, Omaha, 68137, 402-898-7369.

Social Settlement must submit verification of attendance and successful completion by all employees designated as vehicle drivers within fifteen calendar days after completion of the approved training to the Department.

c. All documentation required must be submitted to Michele McClellan, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure Unit, 1801 North 73<sup>rd</sup> Street, Omaha, Nebraska, 68114 or at such other address as directed, in writing, by the Department.

3. During the probationary period, Social Settlement must maintain compliance with all Child Care Center regulations. Compliance will be monitored by Children's Services Licensing staff and may be monitored by other Department representatives (i.e., Fire Marshal or designated agent, Environmental Health Specialist/Scientist or designated agent, Resource Development Worker, Children and Family Services Specialist/Worker, etc.). Social Settlement and any employees and/or agents must cooperate with the Department in these monitoring inspections.

4. A copy of this Notice of Disciplinary Action must be posted with the current child care license so it is clearly visible to parents and agency representatives.

5. Failure to comply with the terms of this disciplinary action or the applicable Child Care Regulations will be grounds for revocation or such other discipline as the Department may deem appropriate after notice to the licensee and an opportunity for a hearing.

6. If Social Settlement discontinues the child care program for any reason, the time Social Settlement is not actively operating a licensed child care program will not count toward the probation period and any subsequent child care license issued by the Department indicating Social Settlement and/or Kids Can as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Social Settlement must notify the Department, in writing, within seven (7) working days of any period they are not actively operating the program. Active operation is the provision of child care for a minimum of forty hours a week for 50 weeks of a calendar year.

**BE ADVISED:**

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on September 11, 2013, unless the Department receives a written request for a hearing on or before such date. The license shall continue in effect until the final order of the director if a hearing is requested. If the director does not receive such request within such period, the action of the Department is final.

If you decide to request a hearing, your written request for hearing must be received by the Department no later than September 11, 2013. It must be addressed to:

Marsha Wandersee, for DHHS  
Children's Services Licensing  
Licensure Unit – Division of Public Health  
P.O. Box 94986  
Lincoln, NE 68509-5986

If you request a hearing, you will be notified of the time, date and place of the hearing and other pertinent information, by separate notice. On the basis of such hearing, the director will affirm, modify or rescind the determination of the Department. Be advised that pursuant to Nebraska Revised Statutes, section 71-1920, upon completion of any hearing held, the director may impose any or a combination of any of the following: probation, suspension, revocation, civil penalty, restrictions of new enrollment, restrictions or other limitations on the number of children or the ages of the children served in the program, or other restrictions or limitations on the type of service provided by the program. On the basis of the hearing, a modification by the director may include sanctions important to your program, up to and including the loss of your license.

Nebraska Revised Statutes, section 71-1920 of the Child Care Licensing Act, provides that "any fine imposed and unpaid under the Child Care Licensing Act shall constitute a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in any proper form of action in the name of State of Nebraska in the district court of the county in which the program is located." ...

That Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides that "a licensee may voluntarily surrender the license issued under the Child Care Licensing Act at any time, except that the Department may refuse to accept a voluntary surrender of a license if the licensee is under investigation or if the Department has initiated disciplinary action against the licensee.

Dated: August 27, 2013

**Joseph M. Acierno, M.D., J.D.**  
**Chief Medical Officer**  
**Division of Public Health**  
**Department of Health and Human Services**

By: Patricia Urzedowski, Section Administrator  
Children's Services Licensing  
Nebraska Department of Health and Human Services  
Division of Public Health – Licensure Unit  
P.O. Box 94986  
Lincoln, NE 68509-4986

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 27<sup>th</sup> day of August, 2013, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Kids Can Community Center, 4860 Q Street, Omaha, Nebraska, 68117 and The Social Settlement Association of Omaha, c/o Robert M. Patterson, 4860 Q Street, Omaha, Nebraska, 68117

A handwritten signature in black ink, appearing to be "James J. B...", is written over a horizontal line.



Division of Public Health, Licensure Unit  
301 Centennial Mall South, 3<sup>rd</sup> Floor, P.O. Box 94988  
Lincoln, NE 68509-4988  
Phone (402) 471-2115 FAX (402) 471-3577

Division of Public Health

State of Nebraska  
Dave Heineman, Governor

October 24, 2011

KIDS CAN COMMUNITY CENTER  
4860 Q Street  
Omaha, NE 68117

Dear Ms Stephanie Klaassen, Youth Development Manager:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on October 24, 2011, your original License to operate a Child Care Center in the State of Nebraska has been placed on Corrective Action Status. A license imprinted with the term "Corrective Action Status" is enclosed. This status became effective October 18, 2011, and it will remain in effect until April 18, 2011. Upon completion of this term, a new license will be issued to you.

At this time we ask that you return your current license, within the next ten (10) days, to Marsha Wandersee in the Licensure Unit. If you have any questions, please contact Child Care Licensing at (402) 471-9302.

Sincerely,

Heleen L. Meeke, Administrator  
Licensure Unit

HLM/dcp

cc: Child Care Licensing



12/15/11

**This license shall be kept available in the establishment and such proof of credentialing shall be shown upon request.**

# State of Nebraska

Department of Health and Human Services  
Division of Public Health

## **SOCIAL SETTLEMENT ASSOCIATION OF OMAHA**

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
**Operating Child Care Center**  
located at: **4860 Q ST OMAHA NE 68117**

A maximum of **125** children in ages **18 MOS** to **13 YRS** may be in attendance at any one time during the hours of **0600** to **2400** on **MTWTHFSSU**.

**KIDS CAN COMMUNITY CENTER** is hereby issued License No. **CCC7132**  
whose status is **Active-Corrective Action Status** effective from **10/18/2011**

Amended: **10/18/2011**

Given under the name and Seal of the Department of Health and Human Services Regulation and Licensure of the State of Nebraska at Lincoln on **October 25, 2011.**



*Juan Schaefer*  
Juan Schaefer, MD, Chief Medical Officer, Director  
Division of Public Health, Department of Health and Human Services



Division of Public Health

State of Nebraska  
Dave Heineman, Governor

1801 North 73 ST, Omaha, NE 68114

October 24, 2011

Ms. Stephanie Klaassen  
Kids Can Community Center  
4860 Q Street  
Omaha, NE 68117

Dear Ms. Klaassen:

The Nebraska Department of Health and Human Services, Division of Public Health, Children's Services Licensing Program, has received your corrective action plan accepting Corrective Action Status. The attached plan has been reviewed and approved effective October 18, 2011.

A new license indicating "Corrective Action Status" will be mailed to your Child Care Center, which you must post in a prominent place.

The license status will be in effect for a period of six months from the date of approval.

Compliance with the terms of the Corrective Action Status will be monitored by announced or unannounced inspections to your center by Children's Services Licensing staff. Any violation may be grounds for discipline as the Department may determine appropriate.

If you have questions, please contact Tammy Reeves at 402 595-3341.

Sincerely,

Jo Pfeiffer  
Child Care Licensing Supervisor  
DHHS Division of Public Health  
Children's Services Licensing

Cc: Tammy Reeves, Child Care Inspection Specialist  
Robert Cummings, Resource Development, Contract Management Division  
Marsha Wandersee, Administrative Assistant II



## FIVE-POINT TRANSPORTATION PROCEDURES FOR KIDS CAN (Before School, After School & Field Trips)

Each van will have its own transportation log when leaving for school or fieldtrips. For school transportation, children's names will be already typed into the log; for field trips, the van driver will write the names of the kids on each van log. (If you are taking a bus, one sheet will be filled for each group.)

### BEFORE SCHOOL (TRANSPORTATION LOG COMPLETED BY GROUP LEADER/VAN DRIVER)

1. Each child will be checked off on the transportation log as they line up for their appropriate van.
2. Each child will be checked off when they are on the van and seatbelts are double checked.
3. The time will be entered for each child when they are dropped off at school.
4. The van driver will do a complete van check to ensure it is completely empty.
5. The van driver will sign the transportation log and turned into the Youth Development Manager upon return from the before school route.

### AFTER SCHOOL (TRANSPORTATION LOG COMPLETED BY GROUP LEADER/VAN DRIVER)

1. The time will be entered on the transportation log for each child as they get on the van at each school site and all seatbelts double checked.
2. Each child will be checked off as they exit the van at Kids Can.
3. The van driver will do a complete van check to ensure it is completely empty.
4. Staff will complete a headcount prior to entering the building.
5. Once downstairs, staff will sign each child onto the attendance sheets. The van driver will sign the transportation log and turned into the Youth Development Manager .

### FIELD TRIPS (TRANSPORTATION LOG COMPLETED BY GROUP LEADER/VAN DRIVER)

1. Each child will be checked off on the transportation log as they line up for their appropriate van.
2. Each child will be checked off when they are on the van and double check all seats are buckled.
3. Each child will be checked off as they exit the van at the field trip site.
4. The van driver will do a complete van check to ensure it is completely empty.
5. Staff will complete a headcount prior to beginning field trip activities.

(All children will be counted per group at regular intervals throughout the field trip.)

6. After the field trip activities, each child will be checked into the log as they line up.
7. Each child will be checked off when they are on the van and seatbelts are double checked.
8. Each child will be checked off as they exit the van at Kids Can.
9. Staff will complete a headcount prior to entering the building.
10. The van driver will sign the transportation log and turned into the Youth Development Manager upon return from the before school route fieldtrip on 10-24-11 per discussion w/ Stephanie Klaassen.

I have read and understand the procedures listed above.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

42/271



Division of Public Health

State of Nebraska  
 Dave Heineman, Governor

1801 North 73 ST, Omaha, NE 68114

October 12, 2011

Kids Can Community Center  
 Attn: Stephanie Klaasen  
 4860 Q Street  
 Omaha, NE 68117

CERTIFIED MAIL

Dear Ms. Klaasen:

Nebraska Revised Statutes, section 71-1911 (4), of the Child Care Licensing Act, effective July 16, 2004, (Laws 2004, LB 1005) provides the department may place a license on corrective action status.

**FACTS:**

On August 11, 2011, a three year old child was left unattended by staff, on the child care center van, for approximately 10 to 15 minutes. Van driver/teacher, Alysia Kavanaugh, admitted that upon return from transporting children from a fieldtrip, the children unbuckled themselves and got off the van. She further admitted that she did not check the van to see if any children were remaining. Approximately 10 to 15 minutes later, an employee of the Community Center, observed the child standing at the front door of the Community Center, unattended by any staff. Kavanaugh was not aware that the child was missing until the Center employee brought the child to her.

**REGULATORY BASES:**

**391 NAC 8-002 Staff Qualifications: (In pertinent part)**

Center staff, whether paid or volunteer, shall not engage in or have a history of behaviors injurious to or which may endanger the health or morals of the children in care.

**391 NAC 8-009 Staffing:**

Center staff or any person designated by the licensee as having responsibility for children shall have the responsibility to provide adequate and appropriate supervision at all times children are in attendance. Evidence of negligent or willful lack of supervision is basis for denial of an application or suspension or revocation of the center's license.

**DETERMINING CORRECTIVE ACTION STATUS:**

A non-disciplinary probation license may be issued for the licensee to operate under corrective action status if the department determines:

- (a) The licensee is unable to comply with all licensure requirements and standards or has a history of non-compliance
- (b) The effect of the non-compliance with any rule or regulation does not present an unreasonable risk to health, safety or well-being of children or staff; and
- (c) The licensee had a written plan of correction that has been approved by the department.

Based on the facts presented above the regulations violated, the department is placing your operating license on Corrective Action Status for a period of six (6) months.

#### **CORRECTIVE ACTION STATUS: PLAN OF CORRECTION**

Corrective action status is voluntary and the decision regarding the placement on corrective status is not appealable. However, you are required to submit a written Plan of Correction that must be approved by the department.

Your written plan of correction should at a minimum address the issues of concern and violations addressed in this letter and how compliance in the future will be met, such as;

- a) A written plan to ensure how the above listed violations will be corrected in terms of future compliance.
- b) A written plan to provide adequate and appropriate supervision at all times children are in care at your program. Plan should specifically address appropriate supervision during transportation, and moving of children from the center to outside activities and from outside activities to the center.  
This plan shall include procedures to ensure that children are supervised and accounted for at all times before, during, and after the transportation has occurred.

Your plan should specifically state who the responsible parties are and for which parts of the plan they are responsible. Please state the positions, not just the names of the individuals, to enable this plan to accommodate any staff changes that occur in the future. Include copies of written forms that are created or are already in existence that will assist center staff as they carry out the written plan.

Please submit your written Plan of Correction to Tammy Reeves, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Offices of Children's Services Licensing, 1801 North 73<sup>rd</sup> Street, Omaha, NE 68114, **within ten calendar days** after you receive this letter.


#### **FAILURE TO SUBMIT CORRECTIVE ACTION PLAN:**

If you do not submit a written Plan of Correction, or the written Plan of Correction is not approved, the department may discipline your license by imposing one or a combination of the following types of disciplinary action:

- (a) Issue a probationary (disciplinary) license;
- (b) Suspend or revoke a provisional, probationary, or operating license;
- (c) Impose a civil penalty of up to five dollars per child, based upon the number of children for which the program is authorized to provide child effective date of finding violation, for each day the program is in violation;
- (d) Establish restrictions on new enrollment of the program;
- (e) Establish restrictions or other limitations on the number of children or the age of the children served in the program; or
- (f) Establish other restrictions or limitations on the type of service provider by the program.

If you have questions regarding this letter, please contact Tammy Reeves, Child Care Inspection Specialist at 402 595-3341 or Jo Pfeiffer, Child Care Licensing Supervisor at 402 595-3335.

Sincerely, 

  
Jo Pfeiffer, Child Care Licensing Supervisor  
Children's Services-Licensing  
1801 N 73<sup>rd</sup> Street  
Omaha, NE 68114

Cc: Tammy Reeves, Child Care Inspection Specialist  
Marsha Wandersee, Administrative Assistant II  
Bob Cummings, Resource Development, Contract Management Division