

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

May 8, 2018

HIGHLANDS ACADEMY, INC.
Holly Christman, Director
5901 NW 1st Street
Lincoln, NE 68521

Dear Ms. Christman:

In accordance with the letter written by Diane Kvasnicka, Program Manager, Children's Services Licensing, on May 1, 2018, the original License of Highlands Academy, Inc. 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 May 1, 2018, and it will remain in effect until November 1, 2018. Upon completion of this term, a new license will be issued to the Center.

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

If you have any questions, please contact Diane Kvasnicka, Program Manager, Children's Services Licensing, at (402) 471-9431.

Sincerely,

[Redacted Signature]
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

HIGHLANDS ACADEMY, INC

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center

located at: 5901 NW 1ST ST LINCOLN NE 68521

A maximum of 100 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the
hours of 0600 to 0100 on MTWTFSS.

HIGHLANDS ACADEMY is hereby issued License No. CCC7241

whose status is Active-Corrective Action Status effective from 05/01/2018
Amended: 05/01/2018

Given under the name and Seal of the Department
of Health and Human Services Regulation and
License of the State of Nebraska at Lincoln on
May 8, 2018.



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

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Pete Ricketts, Governor

May 1, 2018

Highlands Academy, Inc.
Holly Christman-Director
5901 NW 1st Street
Lincoln, NE 68521

Dear Ms. Christman,

The Nebraska Department of Health and Human Service, Office of Children's Services Licensing received your acceptance of Corrective Action Status. The attached corrective action plan has been reviewed and approved effective May 1, 2018.

A new license, identified with 'Corrective Action Status' will be mailed to your facility. The new license must be posted in a prominent location. The license status will be in effect for a period of six months, from the date of May 1, 2018 until November 1, 2018.

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

If you have questions regarding this letter, please contact Lori Pflanz-Jerkovic, Child Care Inspection Specialist, at 402-471-9102 or me.

Sincerely,

[Redacted Signature]
Diane Kvasnicka
Program Manager
Office of Children's Services Licensing
Phone (402) 471-9431
Diane.kvasnicka@nebraska.gov

Cc: Lori Pflanz-Jerkovic, Child Care Inspections Specialist



Highlands Academy - 5901 NW 1st Street - Lincoln, NE 68521

Office: 402-476-2223

Fax: 402-476-2361

Email: highlandschildcare02@gmail.com

www.highlandsacademy.com

April 26th, 2018

Teresa Neal, Child Care Inspection Specialist
Nebraska Department of Health & Human Services
Office of Children's Services Licensing
PO Box 94986
Lincoln, NE 68509-4986

Dear Teresa,

Attached please find our written Plan of Correction. Please let us know if this plan is accepted as is, or if there is anything else you require from us.

Sincerely,

Holly Christman / Director

Written Plan of Correction for Highlands Academy

1. Identification of issue of concern:

- a. 3-006.20A Prohibited Forms of Discipline: 9. Handling roughly
- b. Teachers knowing the correct way to handle a child who is having a tantrum
- c. Teachers know the appropriate/correct way to pick up a child when necessary

2. Provisions for how you will correct and maintain compliance:

- a. All staff who are currently employed have read and signed the 'Acknowledgment of Proper Handling of Children, Use of Time Out' form. This Acknowledgment Form will be included in staff orientation for all new employees to read and sign.
- b. All staff will attend training regarding safe handling of a child when child is throwing a tantrum, endangering self or others. We will also discuss how to handle a disruptive and/or aggressive child in a classroom setting.
- c. All teachers have been shown the proper way to pick up a child (placing both of your hands under the child's armpits). All current teachers have had a discussion with Holly regarding the proper handling of children.
- d. During naptimes staff will watch video trainings from Childcare Exchange: *Turn-Key Training: Addressing Challenging Behaviors*. Training includes:
 - i. Module 1: Children's Behaviors
 1. Lesson 1: Child Development
 2. Lesson 2: Challenging Behaviors and Risk Factors
 - ii. Module 2: Promoting Positive Behaviors
 1. Lesson 3: Finding Children's Strengths
 2. Lesson 4: Preventing Challenging Behaviors- part 1
 3. Lesson 5: Preventing Challenging Behaviors- part 2
 - iii. Module 3: Adults Behaviors
 1. Lesson 6: Teachers Making a Difference
 2. Lesson 7: Working with Families
 - iv. Module 4: Intervention and Strategies
 1. Lesson 8: Developing a Behavior Plan
 2. Lesson 9: Intervention Strategies

3. Specify the written documentation to be provided to the Department:

- a. We will submit all documentation to Teresa Neal, Child Care Inspection Specialist. Included in the documentation will be:
 - i. Written Plan of Correction for Highlands Academy
 - ii. Copies of email communication between Holly Christman and Carrie Gottschalk, Jana McDonald and Andrea Abrahamson to set up training for staff at Highlands Academy.
 - iii. Copy of Highlands Academy Acknowledgment of Proper Handling of Children, Use of Time Out form.

4. Identify who is responsible (include position titles) for corrections and maintenance of compliance:

- a. Holly Christman- [Center Director]. Holly will oversee all trainings (face to face and video training). Holly will monitor staff/child interactions daily to ensure proper handling and discipline is used by teachers. Holly has demonstrated and discussed with all teachers the proper way to pick up a child and

has talked to all teachers about the Acknowledgment of Proper Handling of Children and will make sure all teachers sign acknowledgment form upon hire.

- b. Carrie Gottschalk- [Licensed Mental Health Therapist- Behavior Consultant Specialized in Early Childhood Mental Health and Trauma-informed Care]. Carrie will conduct training covering safe handling of a child and how to handle a disruptive and/or aggressive child in a classroom setting.

5. **Timelines:**

- a. All current staff has already signed the Acknowledgement of Proper Handling form. This form will be included in staff orientation for all new employees to read and sign.
- b. Training with Carrie Gottschalk will be on Wednesday June 6th from 6:05-8:05pm at Highlands Academy.
- c. Childcare Exchange: Turn-Key Training: Addressing Challenging Behaviors will begin immediately upon approval of this Written Plan of Correction.

Acknowledgement of Proper Handling of Children, Use of Time-Out

Department of Health & Human Services Licensing Regulations:

3-006.20A Prohibited Forms of Discipline: The following actions are prohibited as a form of discipline:

1. Spanking
2. Slapping
3. Pinching
4. Punching
5. Shaking
6. Striking with any object
7. Use of soap, hot sauce, or other unpleasant food and non-food items
8. Isolating a child in a locked or closed room or closet
9. Handling roughly
10. Biting
11. Denial of food
12. Forced napping
13. Subjecting children to derogatory remarks about the child or the child's family
14. Abusive or profane language directed at children
15. Yelling or screaming at children
16. Threats of physical punishment or
17. Mechanical restraints.

3-006.20B Child Behavior that cannot be Disciplined: Children must not be disciplined for:

1. Toileting accidents
2. Refusal to take medication; or
3. Refusal to eat.

3-006.20C Use of Time Out: Separation from the group, if used, must be brief and appropriate for the child's age. The time out period must:

1. Take place within a safe, lighted, and well-ventilated area
2. Occur within direct vision of staff; and
3. Not exceed more than one minute for each year of the child's age. If the time a child spends in time out is extended, it must be carried out as indicated by a behavioral management plan developed and monitored by a licensed or certified professional qualified to identify the special needs of a child, as having a physical, emotional, or social development delay or impairment.

3-006.20D Use of Physical Hold: Center staff may restrict a child's movement by the use of a physical hold. A physical hold may be used only:

1. When the child is hurting him/herself, others, or property
2. When the hold does not prevent the child from breathing or speaking; and
3. Until the child is calm and able to demonstrate reasonable control of his/her behavior.

3-006.20D1 Notification and Documentation: The licensee/director must notify the child's parents within 24 hours of the physical hold when a physical hold is used on their child. Written documentation of each use of a physical hold must be available for review by the parents of the child involved in the physical hold and the department. The documentation must include:

1. Child's name
2. Date of the incident
3. Description of the incident; and
4. Names of the staff involved.

Highlands Academy Policy:

In most situations, teachers should refrain from picking up Ladybugs, Leapfrogs or School-Age children (children 3 years to 13 years old). At this age teachers should kneel down to the child's level to talk, hug, or play with the child. When picking up an Infant or Toddler, you should only pick them up by placing both of your hands under their armpits. Teachers should never pick a child up (of any age) by their arms or hands.

If a child is throwing a tantrum and refusing to follow directions, as long as the child is in a safe space where they cannot hurt themselves or others, the teachers will let the child carry out the tantrum and call the director/supervisor to monitor the situation. Teachers should not attempt to pick up a child who is flailing their arms/legs and/or throwing a tantrum. If you need to move furniture away from the child to keep the child safe, do that. Move other children away from the child having the tantrum to ensure their safety as well.

If a teacher feels they need to use a physical hold on a child, the following steps must be taken:

1. The physical hold will only be used after the teacher has exhausted all other avenues of calming the child, and/or is fearful of the child hurting themselves or others.
2. If there is a co-teacher in the room, that teacher will notify the director/supervisor immediately of the behavior and request assistance. If the teacher is alone, and the situation allows, the teacher will notify the director/supervisor first to request assistance, then attend to the child. If there is no time to call the director/supervisor first, the teacher will notify director/supervisor immediately after the situation has calmed.
3. After the child has calmed down, the teacher involved will write out an incident report detailing the situation. If deemed necessary, the teacher will call a parent to notify them, otherwise the parent will be notified at pickup.

By signing below, I acknowledge that I have read and understand the licensing standards outlining Prohibited Forms of Discipline, Use of Time Out, and Use of a Physical Hold. I have also read and understand Highlands Academy's policy regarding the proper way to pick up a child, what age of child may be picked up, and how to handle a child who is having a tantrum. By signing below, I am agreeing to follow the above rules, regulations, and policies.

Printed Name

Signature

Date

NEBRASKA

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Pete Ricketts, Governor

April 16, 2018

CERTIFIED MAIL and REGULAR MAIL

Highlands Academy, Inc.
5901 NW 1st Street
Lincoln, NE 68521

Dear Licensee:

Nebraska Revised Statutes, section 71- 1911 (4), of the Child Care Licensing Act and Regulations Governing Licensure of Child Care Centers, Title 391, Chapter 3, Page 11, 3-003.05B Corrective Action Status provides that the Department may place a provisional or operating license on corrective action status.

FACTS:

Child Care Licensing received information alleging that a teacher named Mai Phan was physically moving a child for discipline reasons and left bruises on the child's upper arms.

Teresa Neal, Child Care Inspection Specialist conducted an unannounced complaint investigation on 3/21/2018 and 4/9/2018 and spoke with Holly Christman who is the Director of Highlands Academy. The director had submitted a self report to Lori Pflanz Jerkovic, Child Care Inspection Specialist, on 3/14/2018 with documentation from herself and staff regarding the incident. Video footage was provided by the facility to Lincoln Police Department and pictures of the injuries were also presented as evidence.

The video of the incident and documentation of the incident by all staff indicate a 4 year old child was asked repeatedly to show that he was ready to wash his hands and have lunch. The child was defiant and not listening to teacher Sarah. The child was then walked by Sarah to another room to calm down. Teachers Laura and Mai tried to calm the child down by talking to him and the child was still upset. When Mai attempted to pick the child up to set him at the table the child began kicking and throwing his arms about. Mai then moved the child to the counter at which point her hands were wrapped around the child's upper arms where she continued to hold him sitting on the counter. The video does not show the extent of pressure that Mai Phan was using to hold onto the child. The child was thrashing his arms and legs about and was removed from the classroom and escorted to the office by Laura. The child walked to the office on his own and was left with the Director Holly who gave the child time to calm down and return to the classroom for lunch. The child eventually was able to be calmed down by sitting in the office. Although the video shows 4 different staff interacting with this child, Mai Phan was the only staff who had her hands around the child's upper arms. Ms. Neal received numerous photos of the

child's injuries that were taken the day after the incident through the following week showing the progression of healing of the bruises and consistent with being held or grabbed tightly on the upper arm.

REGULATORY BASIS:

Title 391 of the Nebraska Administrative Code (NAC) states the following:

3-006.20A Prohibited Forms of Discipline: "The following actions are prohibited as a form of discipline: ...9. Handling roughly; ..."

DETERMINING 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:

1. The licensee is unable to comply with all licensure requirements and standards or has had a history of noncompliance;
2. 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
3. The licensee has a written plan of correction that has been approved by the department.

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

PLAN OF CORRECTION:

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 concerns;
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 Teresa Neal, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, PO Box 94986, Lincoln, NE 68509-4986 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:

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 violations 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 question regarding this letter, please contact Teresa Neal, Child Care Inspection Specialist at 402-471-6730 or Diane Kvasnicka, Child Care Program Manager at 402-471-9431.



Diane Kvasnicka, Program Manager
Office of Children's Services Licensing

Cc: Teresa Neal, Child Care Inspection Specialist