

May 20, 2014

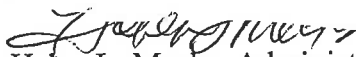
WESTSIDE EARLY CHILDHOOD/
WESTBROOK EARLY CHILDHOOD CENTER
Carol Hauser, Director
9030 Western Ave.
Omaha, NE 68114

Dear Ms Hauser:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on May 20, 2014, 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 May 20, 2014, and it will remain in effect until November 20, 2014. 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 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

Department of Health and Human Services
Division of Public Health

WESTSIDE COMMUNITY SCHOOLS FOUNDATION INC
is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **Child Care Center**
located at: **1414 ROBERTSON DR OMAHA NE 68114**

A maximum of **125** children in ages **18 MOS** to **13 YRS** may be in attendance at any one time during
the hours of **0700** to **1800** on **MTWTHF**.

WESTSIDE EARLY CHILDHOOD - WESTBROOK EARLY CHILDHOOD is hereby issued License No.
CCC7518

whose status is **Active-Corrective Action Status** effective from **05/20/2014**
Amended: **05/20/2014**

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
May 20, 2014.



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

May 20, 2014

Westside Early Childhood/
Westbrook Early Childhood Center
Carol Hauser
9030 Western Ave.
Omaha, NE 68114

CERTIFIED MAIL


Dear Ms. Hauser:

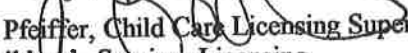
The Department of Health and Human Services, Children's Services Licensing, has received your letter and corrective action plan accepting Corrective Action Status. The attached corrective action plan has been reviewed and approved effective May 20, 2014.

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

Compliance with the terms of the Corrective Action Status will be monitored by announced or unannounced inspections to your facility by Child Care Licensing staff. Any violation may be grounds for discipline as the Child Care Licensing program may determine appropriate.

If you have any questions, please contact Dawn Kozak at 595-3203, or Jo Pfeiffer 595-3335.

Sincerely, 


Jo Pfeiffer, Child Care Licensing Supervisor
Children's Services Licensing
Nebraska Department of Health and Human Services, Division of Public Health
1801 North 73rd Street
Omaha, NE 68114



Westside Early Childhood Centers

9030 Western Avenue Omaha, NE 68114 402.390.8207

Westbrook Early Childhood Center Plan of Correction

License: CCC7518

Re: April 3, 2014/391 NAC 3-006.19 Supervision of Children

Date of Occurrence: Thursday April 3, 2014

Time of Occurrence: 12:20pm - 12:40pm

Location: Elizabeth Lantz, Deanna Hayes, and Rebecca Salkin were in the gym area with the remainder of the class. [redacted] was left in the Tiger Classroom. He was found sleeping on his mat.

Description of events:

On Thursday April 3, 2014, there were 22 children signed into the Tiger class in the morning. [redacted] was sent home ill at 8:45am, leaving 21 students in the Tiger classroom.

At 11:15am, Deanna Hayes brought [redacted] to the office due to behavior concerns. [redacted] joined with the Busy Bugs class, leaving 20 students in the Tiger classroom, as [redacted] was included in the ratio for the Busy Bugs classroom at the time.

At 11:30am, the Shining Stars class and the Busy Bugs classes combine into one Preschool group. [redacted] was included in the ratio for this group.

At 12:00pm, [redacted] was picked up from the Tiger classroom by a parent. At this time, the Tiger classroom had 19 students and 3 teachers.

Oakdale Early Childhood
9801 W. Center Road 68124
402.390.8206

Paddock Road Early Childhood
3535 Paddock Road 68124
402.390.2297

Prairie Lane Early Childhood
11444 Hascall St. 68144
402.390.8209

Rockbrook Early Childhood
2514 South 108th St. 68144
402.390.8208

Sunset Early Childhood
9503 Walnut St. 68124
402.390.8203

Underwood Hills Early Learning
9030 Western Ave. 68114
402.390.8218

Westbrook Early Childhood
1414 Robertson Drive 68114
402.390.8205

Westgate Early Childhood
7802 Hascall St. 68124
402.390.8202

Hillside Before & After
7500 Western Ave. 68114
402.390.3320

Loveland Before & After
8201 Pacific St. 68114
402.390.2298

Swanson Before & After
8601 Harney St. 68114
402.390.3324

At 12:20pm, Elizabeth Lantz counted out 10 children and walked them from the Tiger classroom, through the breezeway hallway and into the gym area. When Elizabeth Lantz arrived at the gym, her 10 students joined in play with the students from the Preschool classroom.

At 12:22pm, Deanna Hayes and Rebecca Salkin counted out 8 children and walked them from the Tiger classroom, through the breezeway hallway and into the gym area. These 8 children joined the children already in the gym. They left _____ in the Tiger classroom by himself.

At 12:25 Preschool teacher Claire Beckenhauer talked to Elizabeth Lantz. Claire Beckenhauer told Elizabeth Lantz that _____ is now joining the Tiger classroom and is no longer considered in the ratio for the Preschool class. The Tiger class should then have 20 students again.

At 12:30pm, the Preschool class left the gym. Only the Tiger class was in the gym at this time.

At 12:40, Elizabeth Lantz noticed that _____ was not in the gym with their class. She left the gym, went back to the classroom looking for him, and found _____ asleep on his rest time mat in the Tiger classroom.

At 1:30pm, Elizabeth Lantz came to the office and asked to speak with the Site Director, Carol Houser. On a walk from the office to the classroom, Elizabeth Lantz told Carol Houser that _____ has been left alone in the classroom while the rest of the children and teachers were in the gym. Once in the classroom, Elizabeth Lantz and Carol Houser joined Deanna Hayes and Rebecca Salkin at a table and explained what happened.

Immediate action taken:

Elizabeth Lantz, Deanna Hayes, and Rebecca Salkin were terminated on April 3, 2014 at 3:30pm.

A letter was emailed to all parents that evening explaining that the teachers in that classroom are no longer working with Westside Early Childhood. The Assistant Director, Debbie Glogowski, will take on the Lead Teacher role for the remaining weeks of the school year, accompanied by two other preschool teachers from our center.

Follow-up notation:

Approximately half of the parents of children in the classroom filed a formal "Parent Grievance" with Westside Early Childhood Centers over the incident, demanding that all teachers be reinstated.

On Thursday April 17 we received a notice from an attorney representing the three teachers. They do not dispute the consequence of the incident on April 3, but have requested to have the official reason for separation listed as "resigned" instead of "terminated".

The teachers will not be reinstated and are no longer employed by Westside Early Childhood Centers.

CORRECTIVE ACTION PLAN:

1. The teachers in question no longer work for Westside Early Childhood Centers.
2. The classroom has been staffed with experienced preschool teachers. Prior to working in the classroom, these teachers met with Carol Houser to review the Supervision requirement of both state licensing and NAEYC Accreditation standards.
3. All teachers working at Westbrook Early Childhood Center have individually reviewed our Supervision policy, state licensing requirements for supervision, and NAEYC Accreditation standards for supervision with Carol Houser since the incident.
4. All teachers continue to follow center policies - taking sign-in sheets with current attendance with them during all transitions, counting children at every transition and every 15 minutes, tallying the current count for each classroom on the front of the clipboard, writing names of children who leave (SPED, bathroom breaks, visiting another classroom) on the clipboard and tracking when they return.
5. All teachers working for our summer session will review the "Effectively Supervision Young Children" training document attached, complete the test, and sign the last page that they have read, understand and will implement the policies in the training document. This will happen at a mandatory staff meeting on Monday, May 19. A copy of employee signatures on the tests will be sent via email to Dawn Kozak via email by Friday May 23 and kept in employee files at the center.

May 5, 2014

CERTIFIED MAIL

Westside Early Childhood/
Westbrook Early Childhood Center
Director Carol Houser
9030 Western Ave.
Omaha, Ne.68114

Dear Ms Hauser:

Nebraska Revised Statutes, section 71-1911 (4), of the Child Care Licensing Act, effective July 16, 2004, provides the department may place a license on Corrective Action Status.

FACTS:

On April 4, 2014, you reported to the Office of Children's Services Licensing an incident that occurred at Westbrook Early Childhood Center. The details included that on April 3, 2014, a five year old male child care child had been left unsupervised for approximately 20 minutes.

On April 24, 2014 you submitted a detailed account of the incident, which showed that at 12:22 pm on April 3, 2014, staff Deanna Hayes and Rebecca Salkin, left five year old TM in the Tiger classroom by himself, as they took other children to the gym. At 12:40, staff, Elizabeth Lantz, noticed that TM was not in the gym with the Tiger class. She left the gym, went back to the classroom, and found TM asleep on his rest time mat in the Tiger classroom. At approximately 1:30 p.m. on April 3, Lantz told Carol Houser, site director, that TM had been left alone in the classroom while the rest of the children and teachers were in the gym.

REGULATORY BASES:

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.

DETERMINING CORRECTIVE ACTION STATUS:

The Department may place a provisional or operating license on a non-disciplinary Corrective Action Status for up to six months if:

- (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 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

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 (6) months.

CORRECTIVE ACTION STATUS: PLAN OF CORRECTION

Corrective action status is voluntary and the decision regarding the 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.

Your written plan of correction must:

- 1) Identify the issue(s) of concern
- 2) Identify who is responsible for corrections and maintenance of compliance
- 3) Include timelines; and
- 4) Specify the documentation to be provided to the Department or kept on the premises for licensing to review.
- 5) Explain how the Director will insure plan is followed

On April 23, 2014 the Department did receive a written plan that addressed the incident cited above. If you would like any ADDITIONAL plan proposals to be consider by this office, please submit this additional written Plan of Correction to Dawn Kozak Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, 1801 North 73rd Street, Omaha, NE 68114 **within ten calendar days** after you receive this letter. If no additional plan is received, the Department will consider what you submitted on April 23, 2014, as your complete written Plan of Correction, and will review and either approve or ask for additional information.

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 care 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 this program; or
- (f) Establish other restrictions or limitations on the type of service provided by the program.

If you have questions regarding this letter, please contact Dawn Kozak, Child Care Inspection Specialist at 402-595-3203 or Jo Pfeiffer, Child Care Licensing Supervisor at 402-595-3335.

Sincerely,


Jo Pfeiffer, Child Care Licensing Supervisor
Children's Services Licensing
1801 North 73rd Street
Omaha, NE 68114

Cc: Dawn Kozak
Marsha Wandersee, Administrative Assistant II
Bob Cummings, Resource Development, Contract Management Division



Division of Public Health, Licensure Unit
301 Centennial Mall South, 3rd 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 25, 2013

Westside Community Schools Foundation, Inc.
Westside Early Childhood – Westbrook Early Childhood
1414 Robertson Dr.
Omaha, Ne 68114

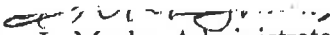
Re: Civil Penalty – License #CCC7518

Dear Westside Community Schools Foundation:

This letter is to acknowledge receipt, as of September 25, 2013, of check number 4390 in the amount of \$625.00, which was remitted in accordance with the Notice of Disciplinary Action issued on September 6, 2013 by Joseph Acierno, M.D., J.D., Chief Medical Officer and Director, Division of Public Health, Department of Health and Human Services. Therefore, the total amount of \$625.00 has been paid.

Thank you for your remittance.

Sincerely,


Helen L. Meeks, Administrator
Licensure Unit

HLM/mrw

Cc: Children's Services Licensing

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

| | | |
|---|---|----------------------------|
| IN THE MATTER OF: |) | |
| THE OPERATING CHILD CARE CENTER |) | |
| LICENSE OF THE WESTSIDE COMMUNITY |) | NOTICE OF |
| SCHOOLS FOUNDATION, INC., D/B/A WESTSIDE |) | DISCIPLINARY ACTION |
| EARLY CHILDHOOD – WESTBROOK EARLY |) | |
| CHILDHOOD |) | |

LICENSED LOCATION: 1414 ROBERTSON DR., OMAHA, NE, 68114

NOTICE:

The Westside Community Schools Foundation, Inc. (hereinafter referred to as "Licensee") is notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against the Licensee's Operating Child Care Center license, Westside Early Childhood – Westbrook Early Childhood (hereinafter referred to as "Westbrook") 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: ... (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 license."

FACTS AND FINDINGS

Westside was licensed prior to 1996 and is currently licensed for 125 children, 18 months to 13 years of age, 7:00 a.m. to 6:00 p.m., Monday through Friday.

On August 19, 2013, the director, Lisa Cutrera of Westside, notified Children's Services Licensing that on August 13, 2013, a four year old (ER) had inappropriately touched the front chest and private area of a four year old over the child's clothing. A teacher intervened and discussed with ER appropriate boundaries. ER was allowed to return to the playground to play. A few minutes later, another teacher observed several children grouped together on the playground. At that time, it was determined that ER had touched the private area of a second child; a four year old over (gender) clothing. ER also attempted to put (gender) hand down the child's pants. The children's parents, including ER's, were notified and a report was made to the Child Abuse Neglect Hotline but not until August 19, 2013.

On August 19, 2013, Westside submitted to the Department a supervision plan, which was approved, for ER which included that ER would be monitored at all times; would not be in a small group with the children that ER had inappropriately touched; would not be in the bathroom with other children; would rest at nap time away from other children; any suspicious or witnessed activity would be addressed immediately and reported directly to the director (Ms. Cutrera) or other administration staff and any incident must be written up and provided to Mr. Cutrera after the incident was resolved.

On August 30, 2013, Ms. Cutrera reported that a four year old child, ROP, told his teacher that ER had tried to pull the child's pants down. ROP reported that ER tried to pull his shorts out and look down into them but ROP told ER to stop and ER did. At the time of this incident, there were two staff in the room. The staff that was to be responsible for monitoring ER went to another part of the facility to assist other students and failed to monitor ER; therefore, placing other children at risk.

DISCIPLINARY ACTION IMPOSED:

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

1. The Licensee 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, August 30, 2013) effective September 24, 2013.

Said penalty must be paid on or by October 23, 2013, which is thirty (30) calendar days from the effective date of this Notice (September 24, 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. 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.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on September 23, 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 23, 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: SEPTEMBER 6, 2013

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

Patricia Urzedowski
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 6th day of September, 2013, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid:

Westside Community Schools Foundation, Inc.
909 South 76th Street
Omaha, NE 68124

Westside Early Childhood – Westbrook Early Childhood
9030 Western Avenue
Omaha, NE 68114

Westside Early Childhood – Westbrook Early Childhood
1414 Robertson Drive
Omaha, Ne 68114

Westside Community Schools Foundation, Inc.
C/O Michael F. Coyle, Registered Agent
500 Energy Plaza
409 S. 17th Street
Omaha, NE 68102

Marsha Wandersee
Marsha Wandersee