

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

December 8, 2017

ST. MARK'S PRESCHOOL/KIDZONE, INC.
Lynn Murray Smith, Authorized Agent
8550 Pioneers Blvd.
Lincoln, NE 68520

Dear Ms. Smith:

In accordance with the Notice of Disciplinary Action issued on November 21, 2017, by Thomas L. Williams, MD, Chief Medical Officer, Division of Public Health, Department of Health and Human Services, the original License of St. Mark's Preschool/Kidzone, Inc. to operate as 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 December 7, 2017, and it will remain in effect until June 7, 2018. Upon completion of the Probation, a new license will be issued to you.

At this time we ask that you submit your current license by return mail, within the next seven (7) days, addressed 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 Kathee Sanchez, Child Care Licensing Supervisor, at (402) 471-9302.

Sincerely,

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

PROBATION

Department of Health and Human Services
Division of Public Health

ST MARK'S PRESCHOOL/KIDZONE, INC.

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

located at: **8550 PIONEERS BLVD LINCOLN NE 68520**

A maximum of **160** children in ages **6 WKS** to **13 YRS** may be in attendance at any one time during the hours of **0700** to **1800** on **MTWTF**.

ST MARK'S PRESCHOOL/KIDZONE is hereby issued License No. **CCC7810** which is effective on **04/10/2002**

Amended: 12/07/2017

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 **December 11, 2017**.



Thomas L. Williams, MD 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

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

IN THE MATTER OF:)
THE CHILD CARE CENTER LICENSE OF)
ST. MARK'S PRESCHOOL/KIDZONE, INC.)

NOTICE OF
DISCIPLINARY ACTION

LICENSED LOCATION: 8550 PIONEERS BLVD, LINCOLN, NE 68520
LICENSE NUMBER: CCC7810
CAPACITY: 160
AGES: SIX WEEKS TO 13 YEARS
HOURS AND DAYS: 7:00 A.M. TO 6:00 P.M., MONDAY THROUGH FRIDAY
DATE INITIALLY LICENSED: APRIL 10, 2002

NOTICE:

St Mark's Preschool/Kidzone, Inc. (hereinafter referred to as "St Mark's") is hereby notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is imposing disciplinary action against the St Mark's operating Child Care Center license for violation of the following statutes and regulations:

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 probation license; ..."

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 3-002 DEFINITIONS “Adequate and appropriate supervision includes: 1. Knowing the whereabouts and being within sight or sound of all children at all times; 2. Being awake, alert, attentive, and responsive to the needs of all children, and 3. Protecting or removing children from harm.”

391 NAC 3-006.01 Licensee Requirements: “The licensee must: 1. Ensure that the center is administered and managed appropriately; 2. Maintain compliance with all applicable state statutes and child care center regulations; ... ”

391 NAC 3-006.02 Director Requirements: “The director is responsible for managing the day-to day operations of the child care center... The director must: 1. Be responsible for the center’s compliance with rules and regulations; ... ”

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.”

FACTS:

On October 6, 2017, Lynn Smith the Director of St. Marks called Teresa Neal, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health, (hereinafter referred to as “Neal”) to report that on October 5, 2017, a 2 year old child had been left unsupervised at Lost in Fun. The child had gone outside and was found standing beside the St. Mark's bus by an unknown adult. The director took immediate action with staff and is addressing any policy changes that needed to happen as a result of the incident.

HISTORY:

A review of St Mark’s file shows the following history of supervision violations:

- On June 5, 2013, a 6 year old was left alone in a bathroom.
- On February 26, 2014, a teacher walked across hall to a storage room and left children in a classroom. The director found the children unattended.
- On July 2, 2015, a 3 year old was left alone in classroom as child was hiding and others went to playground. The child was later found by teacher. A new check in/out procedure for classroom transitions was put in place.

These incidents were self-reported.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts set out above, the Department is imposing the following:

1. St. Mark's license is placed on probation for a period of six months effective December 7, 2017. The following terms and conditions will apply:

- a. By January 7, 2018, St Mark's will create and use a written plan using face to name tracking that will ensure staff are assigned to children during outings and transitions.

Within ten working days of receipt of the above information, the Department will either approve the plan or require additional information, in writing, from St. Mark's. If additional information is required, St. Mark's must submit the required information to the Department within ten calendar days of notice by the Department.

- b. By February 7, 2018, all staff, including the director, who are responsible for the care of children must register/enroll, attend and successfully complete two hours of face-to face training related to adequate and appropriate supervision.

This training must be approved by the Early Childhood Training Center and the Department. Prior to staff and the director(s) participating in any training, St. Mark's must submit the following to the Department:

- Names of staff attending;
- Training curriculum;
- Name of the training;
- Date and time of training;
- Presenter/instructor's name; and
- The number of hours/length of training.

Within ten working days of receipt of the above information the Department will either approve or require additional information in writing from the St Mark's. If additional information is required, St. Mark's must reply with the required information within ten calendar days of notice by the Department.

St. Mark's must submit verification of attendance and successful completion by the staff, including the Director, within fifteen calendar days after completion of the approved training.

This training will not count toward the required 12 hours of annual training.

- c. The Licensee is responsible for paying for all costs associated with compliance.
- d. All documentation required must be submitted to Department, Attn: Teresa Neal, Child Care Inspection Specialist, Children's Services Licensing, 301 Centennial Mall S, PO Box 94986, Lincoln NE 68509-4986, or at such other address as directed in writing, by the Department.

2. 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.).
3. 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.
4. Failure to comply with the terms of this disciplinary action, the applicable Child Care Regulations and failure to correct the violations 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.
5. If St Mark's discontinues the child care program for any reason, the time St Marks's 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 St Mark's as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. St Mark's must notify the Department, in writing, within seven (7) working days of any period that it is not actively operating the program. Active operation is the provision of child care for a minimum of forty (40) hours a week for fifty (50) weeks of a calendar year.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on December 6, 2017 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 on or before such date, 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 on or by December 6, 2017. It should be addressed to:

Chris Kort, for DHHS
Children's Services Licensing – Licensure Unit
Division of Public Health
P.O. Box 94986
Lincoln, NE 68509-4986

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: November 21, 2017

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

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

CERTIFICATE OF SERVICE

COMES NOW, the undersigned and certifies that on the 21 day of November, 2017, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Lynn Murray Smith, Authorized Agent and Director, 8550 Pioneers Blvd., Lincoln NE 68520; and St. Mark’s Preschool/Kidzone, Inc., 8550 Pioneers Blvd., Lincoln NE 68520.

Chris Kort

May 10, 2011

ST. MARK'S PRESCHOOL/KIDZONE
8550 Pioneers Blvd.
Lincoln, NE 68520

Dear ST. MARK'S PRESCHOOL/KIDZONE, INC.:

In accordance with the Notice of Disciplinary Action issued on April 18, 2011 by Joann Schaefer, MD, 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 May 3, 2011, and it will remain in effect until May 3, 2012. Upon completion of the probation, a new license will be issued to you.

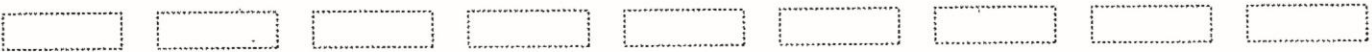
At this time we ask that you return your current license, within the next ten (10) days, to Marsha Wandersee in the Licensure Unit. If you have any questions, please contact Child Care Licensing at (402) 471-9302.

Sincerely,

Helen L. Meeks, Administrator
Licensure Unit

HLM/dcp

cc: Child Care 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

ST MARK'S PRESCHOOL/KIDZONE, INC.

Is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **Child Care Center**
located at: **8550 PIONEERS BLVD LINCOLN NE 68520**

A maximum of **160** children in ages **6 WKS to 12 YRS** may be in attendance at any one time during the hours of **0700 to 1800** on **MTWTF**.

ST MARK'S PRESCHOOL/KIDZONE is hereby issued License No. **CCC7810** which is effective on **04/10/2002**

Amended: **05/03/2011**

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 **May 10, 2011.**



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

346085

**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 ST. MARK'S PRESCHOOL/KIDZONE)	NOTICE OF
INC.)	DISCIPLINARY ACTION

LICENSED LOCATION: 8550 PIONEERS BLVD., LINCOLN, NE., 68520

NOTICE:

St. Mark's Preschool/Kidzone, Inc. (hereinafter referred to as "Kidzone") is hereby notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") intends to impose disciplinary action against the Child Care Center license 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;

...

391 NAC 8-002 Staff Qualifications: ... "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." (Page 6, Standard 13, Child Care Center Standards)

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." ... (Page 9, Standard 36, Child Care Center Standards)

FACTS AND FINDINGS:

St. Mark's Preschool/Kidzone, Inc. is the licensee of an operating Child Care Center. This program is licensed for a maximum of 160 children, six weeks to 12 years of age, 7:00 a.m. to 6:00 p.m., Monday through Friday. This program has been licensed since November 20, 1998.

On March 22, 2011, Children's Services Licensing staff conducted a complaint investigation regarding allegations that on March 15, 2011, Kidzone staff were unaware that a seven-year-old child had been left alone on the Kidzone mini-bus for approximately 45 minutes in the center's parking lot. Based on interviews with

Wendi Herrick, the mini-bus driver on March 15, 2011 and Lynn Murray Smith, director of Kidzone, it was substantiated that the above regulations had been violated. The facts are as follows:

- On March 15, 2011, Ms. Herrick picked up three children from St. Joseph School and six children from Morley School. Roll call was conducted and when Ms. Herrick arrived at Kidzone at approximately 4:05 p.m., three children were picked up by parents directly from the parking lot. Ms. Herrick admitted that she did not check the vehicle to see if all the children were off the bus; but did count the children and thought she had them all. She then escorted the children into the facility, had the children clock-in, walked them to their classrooms and then left for the day.
- Ms. Murray Smith stated that the incident had occurred and that the child had been left alone for approximately 30 to 35 minutes. After yelling and screaming to get off the bus, the seven-year-old was able to open the passenger door and get off the bus. When a parent arrived at the center at approximately 4:40 p.m. to pick up her own child, the seven-year-old was found standing in the parking lot and called the center. Terri Beem, the assistant director, went to the parking lot and escorted the child into the facility. The child's parent was contacted at approximately 4:55 p.m. and told about the incident. Ms. Herrick was ultimately suspended and letters were sent to all parents about the incident.

A review of Kidzone's file shows that on February 22, 2011, Kidzone reported to the Department that a teacher had been reprimanded for leaving the room where five sleeping toddlers were being care for. Kidzone implemented an action plan that stated that staff are not to leave children unattended.

DISCIPLINARY ACTION IMPOSED:

Based upon the facts set out above, the Department intends to impose the following:

1. The Child Care Center license is placed on Probation for a period of one year effective May 3, 2011, which is 15 days after the mailing of this Notice. Terms and conditions include:
 - a. By August 1, 2011, which is 90 days after the effective date of this Notice (May 3, 2011), Lynn Murray Smith, center director, Terri Beem, assistant director, and all staff currently employed at Kidzone who have the responsibility of caring for children (which includes director, assistant/co-director, teacher, assistant teacher, substitutes, volunteers or vehicle drivers) will at the program's expense, register/enroll, attend and successfully complete a minimum of two hours in a face-to-face training in the area of providing adequate and appropriate supervision at all times children are in care.

Kidzone must, prior to Lynn Murray Smith, Terri Beem and the staff participating in any training, submit in writing the following to the Department, Attention: Marvie Sullivan, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, Licensure, P.O. Box 98933, Lincoln, Nebraska, 68509 in order for the Department to determine if the training meets the requirements for which it is intended: names of Kidzone staff attending, training curriculum, date and time of training, name of the training, presenter/instructor's name, and the number of hours. This training will not count toward the required 12 hours of in-service training.

Upon receipt of the above information, the Department will either approve or require additional information in writing from Kidzone within ten working days of the receipt of the letter requesting approval of the training. If additional information is required Kidzone agrees to reply within ten calendar days of notice by the Department.

Kidzone must submit verification of attendance and successful completion by all staff responsible for the care of children and as well as Lynn Murray Smith and Terri Beem, within fifteen calendar days after completion of the approved training to the Department at the address listed above.

b. Lynn Murray Smith and Terri Beem will enroll, attend and successfully complete the Child Care Management Training Program offered by the Early Childhood Training Center within the one year probation period. Ms. Murray Smith and Ms. Beem will submit copies of all certificates (Certificate of Attendances, Certificate of Completions and Certificate of Achievements) issued by the Training Center to the Department at the address listed above.

c. Kidzone must develop and submit to the Department at the address listed above, a written Transportation Policy and Procedure which incorporates the use of checklists, frequent monitoring, accountability and training of staff on this Transportation Policy and Procedures who are responsible for caring for children; which includes: director, assistant/co-director, teacher, assistant teacher, substitutes, volunteers and vehicle drivers. The Policy and Procedures must also include language regarding supervision and how the program will ensure that no child(ren) are left alone inside center vehicles. The Policy and Procedures must also include language as to how the program will ensure that adequate and appropriate supervision is maintained at all times children are in attendance inside the facility itself and on and off the premises.

These Policies and Procedures must be submitted to the Department at the address listed above for approval by May 18, 2011, which is 15 calendar days after the effective date of this Notice. The Department agrees that after reviewing Policies and Procedures, it will either approve it or require modifications thereto within ten calendar days. If modifications are required, Kidzone agrees to reply within ten calendar days of notice by the Department by resubmitting the written Policies and Procedures to the Department for approval. The Department reserves the right to make minor unilateral modifications to the written Policies and Procedures. Once approved by the Department, Kidzone agrees to implement the written Policies and Procedures as approved by the Department.

c. Kidzone must have signed documentation that all staff responsible for children and all future employees responsible for children are familiar and are trained in the Policies and Procedures. Documentation must be maintained on site and available for review upon request by the Department.

2. During the probationary period, Kidzone 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 or designated agent, Resource Development Worker, Children and Family Specialist, etc). Kidzone and any employees and/or agents must cooperate with the Department in these monitoring inspections.

3. 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.

4. Failure to comply with the terms of this disciplinary action and the Child Care Center 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.

5. If St. Mark's Preschool/KidZone, Inc. discontinues the child care program for any reason, the time St. Mark's Preschool/Kidzone, Inc. 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 shall be subject to the remainder of the probation period. St. Mark's Preschool/Kidzone, Inc. must notify the Department, in writing, within seven (7) calendar days of any period they are not actively operating the program. Any subsequent child care license issued by the Department indicating St. Mark's Preschool/Kidzone, Inc., Lynn Murray Smith and/or Terri Beem as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period.

BE ADVISED:

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on May 3, 2011, which is fifteen days after the mailing of this Notice unless the Department, within such fifteen-day period, receives a written request for a hearing. 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 fifteen-day 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 May 3, 2011, which is fifteen days after the mailing of this Notice. It should be addressed to:

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

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.

In addition, Title 391 of the Nebraska Administrative Code, section 3-001.08, provides that "amended applications will not be processed whenever a negative license action is pending."

Dated: APRIL 18, 2011

Joann Schaefer, M.D.
Chief Medical Officer
Director, 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
P.O. Box 94986
Lincoln, NE 68509-4986