

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

August 16, 2018

TAKOJA TIPI DAY CARE  
Santee Sioux Nation Tribe, Owners  
Sidney Tuttle, Licensee  
425 Frazier Ave., North, Suite #2  
Niobrara, NE 68760

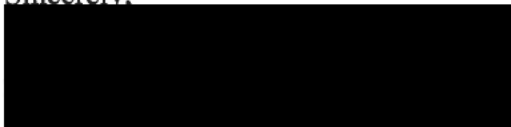
Dear Mr. Sidney Tuttle:

In accordance with the Order on Agreed Settlement that was issued on July 31, 2018, by Thomas L. Williams, MD, former Chief Medical Officer, Division of Public Health, Department of Health and Human Services, the original License of Takoja Tipi Day Care to operate as a Child Care Center in the State of Nebraska has been placed on Probation for a two-year period. A license imprinted with the term "PROBATION" is enclosed. This status became effective August 10, 2018, and it will remain in effect until August 10, 2020. Upon completion of the Probation, a new license will be issued to the Center.

At this time we ask that you submit the current license of Takoja Tipi Day Care 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 Harriet Spelts, Child Care Licensing Supervisor, at (308) 535-8246.

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

## SANTEE SIOUX NATION TRIBE

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

located at: 305 N. VETERANS MEMORIAL DRIVE Santee NE 68760

A maximum of 25 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0730 to 1700 on MTWTF.

TAKOJA TIPI DAY CARE is hereby issued License No. CCC7832 which is effective on 04/14/1998

Amended: 08/16/2018

Given under the name and Seal of the Department of Health and Human Services Division of Public Health of the State of Nebraska at Lincoln on August 17, 2018.



Courtney N. Phillips, PhD  
Chief Executive Officer  
Department of Health and Human Services

FILED

JUL 31 2018

DHHS Hearing Office

STATE OF NEBRASKA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

IN THE MATTER OF ) 180688 CCC  
THE REQUEST FOR HEARING BY )  
TAKOJA TIPI DAY CARE ) ORDER ON  
AGREED SETTLEMENT

This matter came before the Chief Medical Officer, Director of the Division of Public Health on the Department's Motion for Approval of Agreed Settlement. The Chief Medical Officer and Director, having considered said Motion and Agreed Settlement:

- 1. Approves the Agreed Settlement;
- 2. Finds the representations made in the Agreed Settlement true and adopts them herein; and
- 3. Orders the parties to comply with all of the terms of the Agreed Settlement.

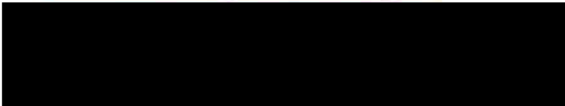
DATED this 31 day of July, 2018



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

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of July, 2018, a true and correct copy of the foregoing was sent by United States certified mail, return receipt requested with sufficient postage prepaid, to: TAKOJA TIPI DAY CARE through its attorney, MICHAEL NOVOTNY, ATTORNEY AT LAW, 3610 N. 163RD PLZ., OMAHA, NE 68116 and electronically to: [darrell.klein@nebraska.gov](mailto:darrell.klein@nebraska.gov).



7011 1570 0001 7618 2537

DHHS Hearing Office  
P. O. Box 95026  
Lincoln, NE 68509-5026  
P. (402) 471-4731 F. (402) 742-2374  
[dhhs.hearingoffice@nebraska.gov](mailto:dhhs.hearingoffice@nebraska.gov)

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

<b>IN THE MATTER OF</b>	)	<b>180688 CCC</b>
<b>THE REQUEST FOR HEARING BY</b>	)	
<b>TAKOJA TIPI DAY CARE</b>	)	<b>AGREED SETTLEMENT</b>

The Department of Health and Human Services, Division of Public Health (hereafter "Department") and Takoja Tipi Day Care, owned by Santee Sioux Nation Tribe (hereafter "Takoja Tipi"), in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. Takoja Tipi is licensed as an operating Child Care Center holding license number CCC7832. The Department is the executive agency of the state of Nebraska charged with administration of the Child Care Licensing Act and the rules and regulations adopted pursuant to it.

2. The Department issued a Notice of Revocation to Takoja Tipi dated April 4, 2018 setting out grounds and giving notice of intent to revoke Takoja Tipi's license.

3. Takoja Tipi timely requested a hearing.

4. Takoja Tipi is represented in this matter by Michael J. Novotny, attorney at law, and has received his advice and legal counsel at all times in connection with the review and execution of this agreement. Takoja Tipi and the Department agree to the terms of this Agreed Settlement and expressly agree that violation of any of the terms of this Agreed Settlement is grounds for discipline of Takoja Tipi's license, up to revocation, or such other discipline as the Department may determine appropriate. Takoja Tipi hereby waives its right to an administrative contested case hearing and any right to judicial review of an order which accepts and adopts the terms of this Agreed Settlement.

5. Takoja Tipi and the Department consent to the Chief Medical Officer, Director of Public Health, entering an Order adopting this Agreed Settlement and ordering compliance with its terms, placing Takoja Tipi's Child Care Center license on Probation for a period of two (2) years effective ten (10) days after an Order approving this Agreed Settlement. The terms and conditions of the Probation include compliance with the Child Care Licensing Act and the rules and regulations adopted and promulgated under the act, and in particular, compliance with the 391 NAC 3-006 Standards of Operation and Care cited in the April 4, 2018 Notice of Revocation, attached and incorporated by this reference.



6. Takoja Tipi represents it has adopted and established written policies, procedures and plans on how Takoja Tipi will meet the requirements of section 5, above, reflected in the attached exhibits "2A" and "2B."

7. As modified by this section, the policies, procedures and plans of "2A" and "2B" are approved and incorporated by this reference into this Agreed Settlement and must be implemented by Takoja Tipi.

a. For all staff and volunteers, spot job laborers and individuals trying to earn community service hours, prior to any such individual working at the center:

i. Takoja Tipi must complete a criminal background check and State Patrol sex offender registry check and provide the Department enough information for an accurate check of the child abuse/neglect central register and adult protective services central register and authorization from the individual for release of registry information.

ii. Takoja Tipi must scan and e-mail, send by fax, or send by U.S. mail, a copy of the completed Applicant Background Check Verification List (Exhibit 2A) and all supporting documentation for each individual it intends to have or allow to work at the center. All documentation required must be submitted to Kara Koinzan, Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, by scan and e-mail to [Kara.Koinzan@nebraska.gov](mailto:Kara.Koinzan@nebraska.gov); by fax to (402)887-4536; or by U.S. mail to 501 M Street, Antelope County Courthouse 1 Neligh, Nebraska, 68756, or at such other address as directed, in writing, by the Department.

iii. As soon as reasonably possible the Department will affirmatively respond if the individual has successfully cleared the required background checks.

b. Any staff, volunteer, spot job laborer or individual trying to earn community service hours working at the center without the affirmative response from the Department of 7.a.iii, above, is a violation of this Agreed Settlement and grounds for revocation of Takoja Tipi's license.

c. Takoja Tipi will deliver a copy of each quarterly checkup and audit required by Exhibit 2B, within ten (10) days after the audit, by any of the means listed in 7.a.ii, above.

8. 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.). Takoja Tipi and any employees and/or agents must cooperate with the Department in these monitoring inspections.

9. If Takoja Tipi discontinues the child care program for any reason, the time Takoja Tipi 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 to Takoja Tipi as licensee or Santee Sioux Nation Tribe as owner shall be subject to the terms of this probation including completion of the probation period. Takoja Tipi 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.

10. No coercion threats, or promises other than those stated herein were made to Takoja Tipi to induce it to enter into this Agreed Settlement.

11. If the Chief Medical Officer, Director of Public Health, does not approve this Agreed Settlement, it shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

WHEREFORE, the parties request that an Order be entered accepting and adopting the parties' agreement in settlement of this matter.

AGREED TO:

[Redacted Signature]

for Takoja Tipi

State of Nebraska )

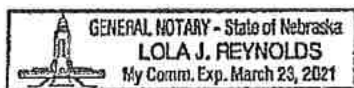
County of Rawl )

) ss.

Acknowledged before me by \_\_\_\_\_  
this 23 day of July, 2018.

[Redacted Signature]

Notary Public




Department of Health and Human  
Services Division of Public Health



E  
Darrell D. Klein #16875  
P.O. Box 95026  
Lincoln, Nebraska 68509-5026  
(402) 471-4052  
Its attorney

Approved as to form and content:



Michael J. Novotny, Esq. #26431  
Fredericks Peebles & Morgan LLP  
3610 N. 163<sup>rd</sup> Plaza  
Omaha, NE 68116

**TAKOJA TIPI DAY CARE  
APPLICANT BACKGROUND CHECK VERIFICATION LIST**

Applicant Name: \_\_\_\_\_ Title: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Social Security Number: \_\_\_\_\_ Date of Hire: \_\_\_\_\_

Status:                     Staff                     Substitute                     Volunteer

**Forms and Documentation Needed:**

Has a criminal history record check been completed?                     Yes                     No  
Has the Nebraska registry check been completed?                     Yes                     No  
Has the Report of Law Enforcement Contact Form been completed?                     Yes                     No

**Background and Registry Checks**

Has applicant have a criminal history?                     Yes                     No

If yes, please explain: \_\_\_\_\_

Is applicant **permanently disqualified** from providing child care services per Nebraska DHS Regulation 3-006.03A1?                     Yes                     No

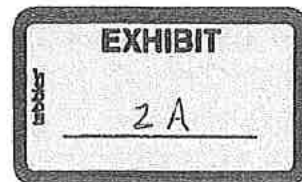
Is applicant disqualified from providing child care services for a **twenty year period** per Nebraska DHS Regulation 3-006.03A2?                     Yes                     No

Is applicant disqualified from providing child care services for a **five year period** per Nebraska DHS Regulation 3-006.03A3?                     Yes                     No

Has applicant ever had their parental rights terminated by a Court due to a finding of abuse or neglect or an inability to care for a child per Nebraska DHS Regulation 3-006.03A5?                     Yes                     No

Has applicant had any contact with law enforcement in the past year?                     Yes                     No

Does applicant have any criminal charges pending in any Court or jurisdiction?                     Yes                     No



**ADDENDUM TO BACKGROUND CHECK VERIFICATION LIST**  
**Nebraska Administrative Code,**  
**Nebraska DHHS, Relevant Regulations**

3-006.03 Background Checks, Health Information, and Employment Limitations

3-006.03A Criminal History Record Checks: The applicant/licensee, if an individual or an individual in a partnership, must complete a pre-employment criminal history record check on him/herself, on each staff member and volunteer age 19 or older, and on each household member age 19 or older if the center is located in a private residence. Documentation must be kept and available for review by the Department.

The check must be conducted through the Nebraska State Patrol or through one or more local law enforcement agencies, as appropriate to the individual's residence(s). If an individual has lived in Nebraska less than 12 months, the applicant/licensee must obtain documentation of a criminal history record check from the previous state(s) of residence.

3-006.03A1 Permanent Child Care Disqualification: An individual is permanently disqualified from holding a child care license or working as a staff member or volunteer in a child care center if s/he has a criminal history that includes conviction of any unlawful act endangering the health or safety of another individual. Such convictions include crimes against a child or vulnerable adult, crimes involving intentional bodily harm, crimes involving the sale, distribution or procurement of a controlled substance, or crimes involving moral turpitude on the part of the individual. These crimes include but are not limited to:

1. Aggravated or armed robbery;
2. Assault, first or second degree;
3. Child abandonment;
4. Child abuse;
5. Child molestation or debauching a minor;
6. Child neglect;
7. Commercial sexual exploitation of a minor;
8. Domestic violence;
9. Exploitation of a minor involving drug offenses or conviction of drug offenses that involved a minor;
10. Felony controlled substances offenses, other than possession;
11. Felony violation of custody;
12. Incest;
13. Kidnapping;
14. Murder, first or second degree;
15. Sexual abuse of a minor;
16. Sexual assault;
17. Sexual exploitation of a minor, including child pornography; or
18. Voluntary manslaughter.

3-006.03A2 Twenty-Year Disqualification: An individual is disqualified from holding a child care license or working as a staff member or a volunteer in a child care center if s/he has a criminal history that includes conviction in the last 20 years of:

1. Arson;
2. Criminal non-support;
3. Felony possession of controlled substance offenses;
4. Felony theft; or

5. Robbery.

The 20-year disqualification begins the date the conviction became final. Any time the individual is incarcerated, either in jail or a state or federal correctional facility, is not included in the calculation of the 20-year period of disqualification. If the individual has more than one conviction, the 20-year disqualification begins the date the most recent conviction became final.

3-006.03A3 Five-Year Disqualification: An individual is disqualified from holding a child care license or working as a staff member or a volunteer in a child care center if s/he has a criminal history that includes conviction in the last five years of:

1. Burglary;
2. Driving under the influence: two or more convictions;
3. Felony bad check writing;
4. Misdemeanor controlled substances offenses;
5. Misdemeanor contributing to the delinquency of a child; or
6. Misdemeanor theft.

The five-year disqualification begins the date the conviction became final. Any time the individual is incarcerated, either in jail or a state or federal correctional facility, is not included in the calculation of the five-year period of disqualification. If the individual has more than one conviction, the five-year disqualification begins the date the most recent conviction became final.

3-006.03A4 An applicant, licensee, staff member, volunteer, or household member, must not have had his/her rights as a parent terminated by a Court because of a finding of abuse or neglect of a child or inability to care for a child.

3-006.03A5 Department Determination: An individual may hold a child care license or work as a staff member or a volunteer in a child care center with a pending complaint or indictment or conviction of other crimes if the Department determines the individual has the present character and fitness to work with children. In making this determination the Department may consider the following factors:

1. The age of the individual at the time of the conduct;
2. The recency of the conduct;
3. The seriousness of the conduct;
4. The factors underlying the conduct;
5. The cumulative effect of the conduct;
6. The evidence of rehabilitation;
7. The individual's positive social contributions since the conduct;
8. The individual's honesty in providing information; and
9. The materiality of any omissions or misrepresentations.

The Department may deny or take action against a license if an individual is found to have a criminal history that includes conviction or substantial evidence of committing or permitting, or aiding or abetting another to commit, any unlawful act endangering the health or safety of another individual or a history of convictions or behavior that shows an inability or unwillingness to comply with laws or regulations. This applies to the applicant/licensee, household members who reside at the place where the child care program will be/is provided, volunteers, and employees of the applicant/licensee.

3-006.03B Registry Checks: The applicant/licensee, if an individual or an individual in a partnership, staff, volunteers, and household members if the center is located in a private residence, must not be listed as a perpetrator of abuse or neglect on the Nebraska:

1. Child abuse/neglect central register, if the individual is age 13 or older;
2. Adult protective services (APS) central registry if the individual is age 18 or older; or
3. State Patrol sex offender registry.



The individual must provide enough information for an accurate check of the registries and must authorize the release of registry information. The Department will conduct the child and adult registry checks and provide the results to the applicant/licensee.

The applicant/licensee must conduct the State Patrol sex offender registry check. All registry checks must be completed before the individual assumes responsibility for the care and supervision of children. Any individual who is listed as a perpetrator on any of the registries must not be on the premises during the hours of operation, except that a parent listed as a perpetrator may be allowed on the premises only to pick up and drop off his/her child.

3-006.03C Reports of Law Enforcement Contact: The applicant/licensee must complete a Report of Law Enforcement Contact for him/herself, if an individual or an individual in a partnership, and must obtain a completed report for each staff member and volunteer age 19 or older and each household member age 19 or older if the center is located in a private residence. The report must:

1. Be updated, signed, and dated annually;
2. Be updated any time one of these individuals is arrested, issued a citation other than a minor traffic violation, or charged with or convicted of any felony, misdemeanor, or infraction;
3. List all previous and pending criminal charges and arrests, both felony and misdemeanor, regardless of prosecution;
4. List any record of felony and/or misdemeanor charges and arrests related to crimes against children;
5. List any record of felony and/or misdemeanor convictions;
6. List any current or past parole or probation status, including diversion or court supervision; and
7. List details, dates, county and state of the contact, arrest, charge, conviction, and disposition, if any.

3-006.03D Notification of Law Enforcement Contact: As soon as the licensee/director becomes aware of the occurrence, s/he must notify the Department of any arrest, misdemeanor ticket other than a traffic violation, pending criminal charges, and any felony or misdemeanor convictions of him/herself, staff, volunteers, or household members if the center is located in a private residence. The licensee/director must request a criminal history record check on the individual within five working days. Failure to notify the Department of law enforcement contacts as described may result in disciplinary action.

3-006.03E Investigations and Repeat Registry Checks

1. Any time the licensee/director has reason to believe that a staff member or volunteer is being or has been investigated for abuse, neglect, or sexual abuse of a child or vulnerable adult, the licensee/director must submit the name of that individual to the Department for a check with the child abuse/neglect or adult protective services registry.
2. Any individual who is under investigation for abuse, neglect, or sexual abuse of a child or vulnerable adult must not be left alone with children until the investigation is completed and the findings are determined.

# Santee Sioux Nation

Office of Human Resources

Mark Henry  
Human Resource Director  
[hrd.henry@ssn-dakota.org](mailto:hrd.henry@ssn-dakota.org)



425 Frazier Ave. N., Suite 2  
Niobrara, NE 68760-7219  
Phone: (402) 857- 2302  
Fax: (402) 857- 2367

## MEMORANDUM

May 23, 2018

### Policy Directive: Takoja Tipi Day Care Corrective Action Plan

The purpose of this policy is to guarantee compliance with Nebraska rules governing the licensing of day cares, particularly with regard to compliance with employee and volunteer background-check procedures. This corrective action plan requires the following:

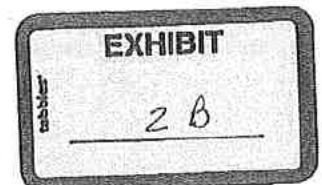
- Staff must pass all background checks before hire;
- Background checks and procedures must be documented on the Applicant Background Verification List;
- The CEO and HR will do quarterly checkups and audits;
  - If issues are discovered, the CEO and HR will give the Takoja Tipi Day Care a time absolute to correct the issue;
- All applications and hires will be conducted through the Human Resource office within the Santee Sioux Nation;
- No volunteers, spot job laborers, or individuals trying to earn community service hours will be able to go to the Daycare and perform their assigned duties unless approved by the HR or CEO;
  - If they pass Background Check then, and only then, may they perform assigned duties;
- All staff training and classes to earn their credentials will be mandatory; and
- Anything the State of Nebraska wants us to do as well, we will comply with them.

Thank you, should you have any other questions, comments, or concerns, please contact me directly at (402) 857- 2302 or email: [hrd.henry@ssn-dakota.org](mailto:hrd.henry@ssn-dakota.org).

Sincerely,

Mark Henry

Human Resource Director, Santee Sioux Nation





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

**THE OPERATING CHILD CARE CENTER ) NOTICE OF  
LICENSE OF TAKOJA TIPI DAY CARE OWNED BY ) REVOCATION  
SANTEE SIOUX NATION TRIBE )**

**LICENSED LOCATION:** 305 N. VETERANS MEMORIAL DR., SANTEE, NE 68760

**MAILING ADDRESS:** 425 FRAZIER AVE N. SUITE 2, NIOBRARA, NE 68760

**LICENSE NUMBER:** CCC7832

**CAPACITY:** 25

**AGES:** 6 WEEKS TO 13 YEARS

**HOURS AND DAYS:** 7:30 AM TO 5:00 PM MONDAY THROUGH FRIDAY

**DATE INITIALLY LICENSED:** APRIL 14, 1998

**NOTICE:**

Takoja Tipi Day Care, owned by Santee Sioux Nation Tribe (hereinafter referred to as "Takoja Tipi"); Priscilla Brandt, Director; Sidney Tuttle, Licensee; and Roger Trudell, Chairman are notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") is revoking Takoja Tipi'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 probationary license;
- (c) Impose a civil penalty of up to five dollars per child, based on 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 a person served by or employed at the program;" ...

391 NAC 3-006 STANDARDS OF OPERATION AND CARE: "... and to comply with state law, a child care center must meet the following standards."

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 childcare center regulations;" ...

391 NAC 3-006.02 Director Requirements: "... The director must 1. Be responsible for the center's compliance with rules and regulations;" ...

391 NAC 3-006.03 Background Checks, Health Information, and Employment Limitations

391 NAC 3-006.03A Criminal History Record Checks: "The applicant/licensee ... must complete a pre-employment criminal history record check ... on each staff member and volunteer age 19 or older. ... Documentation must be kept and available for review by the Department." ...

391 NAC 3-006.03B Registry Checks: "... if an individual, ... staff, volunteers ..., must not be listed as a perpetrator of abuse or neglect on the Nebraska ... 2. Adult protective services (APS) central registry if the individual is age 18 or older;" ...

391 NAC 3-006.03C Reports of Law Enforcement Contact: "The applicant/licensee must complete a Report of Law Enforcement Contact for him/herself, if an individual or an individual in a partnership, and must obtain a completed report for each staff member and volunteer age 19 or older ... The report must:

- 1. Be updated, signed, and dated annually;
- 2. Be updated any time one of these individuals is arrested, issued a citation other than a minor traffic violation, or charged with or convicted of any felony, misdemeanor, or infraction;

3. List all previous and pending criminal charges and arrests, both felony and misdemeanor, regardless of prosecution;
4. List any record of felony and/or misdemeanor charges and arrests related to crimes against children;
5. List any record of felony and/or misdemeanor convictions;
6. List any current or past parole or probation status, including diversion or court supervision; and
7. List details, dates, county, and state of the contact, arrest, charge, conviction, and disposition, if any."

## **FACTS AND FINDINGS:**

On August 7, 2017, Kara Koinzan, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Koinzan"), conducted an unannounced complaint inspection of Takoja Tipi. At the inspection, Koinzan observed a new staff person, Ed Taylor (hereinafter referred to as "Taylor"), working.

Ms. Brandt, Director, (hereinafter referred to as "Brandt") told Koinzan that Taylor began employment on July 21, 2017. At the time of the inspection, Brandt was not able to provide the required staff information for Taylor. On September 11, 2017, Harriet Spelts, Child Care Licensing Supervisor, Nebraska Department of Health and Human Services, Division of Public Health (herein after referred to as "Spelts"), sent a letter to Takoja Tipi stating that Takoja Tipi was still out of compliance with regulations noted at inspection on August 7, 2017.

Takoja Tipi was given until October 7, 2017, to submit corrections. On October 19, 2017, Spelts talked to Brandt regarding the corrections still needed. On October 26, 2017, Koinzan talked to Brandt. Brandt stated that she had received the results of the background checks back on Taylor. Taylor was found to be on the Central Registry. Koinzan explained to Brandt that having Taylor at the center put Takoja Tipi in violation of the regulations. On October 31, 2017, Koinzan received a written statement from Brandt that stated Taylor was no longer employed as of that date.

On November 28, 2017, Koinzan conducted an unannounced annual inspection and observed a new staff person working, Eliza Goodfeather (hereinafter "Goodfeather"). Brandt had none of the required staff information on file for Goodfeather. Taylor was also observed working there that day. Brandt told Koinzan that Taylor's name had been expunged from the Central Registry and they hired him back as of November 15, 2017. Written documentation of his registry checks and documentation of a criminal history records check was not available.

On November 28, 2017, Koinzan conducted a Central Registry check on Goodfeather and determined her name appeared on the Central Registry. Koinzan contacted Brandt to inform her of the finding and explained that having Goodfeather working at the center put Takoja Tipi in violation of regulations. Brandt informed Koinzan she dismissed Goodfeather the same day.

Goodfeather worked at the center from November 22, 2017- November 28, 2017. Taylor had been hired back as of November 15, 2017, yet did not have documentation of completed

background check as required by regulations. As of the date of this notice April 4, 2018, Takoja Tipi still needs to submit documentation of a criminal history record check and a central registry check/sex offender check on Taylor.

## **PREVIOUS HISTORY:**

A review of Takoja Tipi's licensing file as it relates to background checks shows similar issues over the last six years including the following:

- On April 14, 2010, Takoja Tipi's license was suspended until May 27, 2010, for violating the terms of the Corrective Action Status, not submitting an application, after conducting an inspection on August 4, 2009, and finding staff caring for children that had not been identified on the June 22, 2009, application. In addition, a new director had never been identified on an application neither. Therefore, the required background checks had not been able to be conducted.
- On September 22, 2010, an unannounced, annual inspection was conducted. Staff records were incomplete as health information reports and in-service records were needed.
- On May 1, 2012, an unannounced, annual inspection was conducted. Felony/Misdemeanor Statements were needed on staff.
- On December 2, 2013, an unannounced, annual inspection was conducted. Staff records were incomplete in that not all background checks had been conducted.
- On March 18, 2015, an unannounced, annual inspection was conducted. Only one staff at the center had the necessary background checks.
- On July 22, 2015, a Notice of Disciplinary Action was initiated to impose a civil penalty against Takoja Tipi as they failed to submit criminal history record checks on two staff as noted during an unannounced, semi-annual inspection on March 18, 2015. The action was withdrawn as the program submitted the required documents.
- On May 25, 2016, a Notice of Disciplinary Action was initiated to place them on Probation for a period of one year for failure to do background checks on staff prior to working with children. Probation was effective June 10, 2016 to June 10, 2017.
- On August 25, 2016, a Notice of Disciplinary Action was initiated to impose a civil penalty against Takoja Tipi as they failed to submit the required background checks and report of law enforcement on ten staff as noted during a monitoring inspection on July 15, 2016. This action was withdrawn as the program submitted the required documents.
- On June 22, 2017, Takoja Tipi's license was placed on Corrective Action Status for allowing a person to work at the center for about a week and a half whose name appeared on the Nebraska Central Registry of Child Abuse and Neglect. In addition, the



center had a history of staff changes and persons from a jobs program being sent to work at the center who did not have prior to hire background checks or qualifications to serve as teachers at the center.

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

Based on the above information, and the fact that Takoja continues to demonstrate an inability to maintain compliance with regulations specific to background checks for staff working in the child care program, the Department is revoking the Child Care Center license of Takoja Tipi. The Licensee must send the Child Care License to Chris Kort at the address listed below seven (7) days after this action becomes final.

#### **BE ADVISED:**

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on April 20, 2018, unless the Department receives a written request for a hearing 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 April 19, 2018. 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. Based on 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 71-1911, provides that a person who has had their **“license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action.”**

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." In addition, section 71-1920, (2), states that "a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years."

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: April 4, 2018

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

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

**CERTIFICATE OF SERVICE**

COMES NOW, the undersigned and certifies that on the 4<sup>th</sup> day of April 2018, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to TAKOJA TIPI DAY CARE OWNED BY SANTEE SIOUX NATION TRIBE, Priscilla Brandt, Director; Sidney Tuttle, Licensee; and Roger Trudell, Chairman at 305 N. VETERANS MEMORIAL DR., SANTEE, NE 68760 and 425 FRAZIER AVE N. SUITE 2, NIOBRARA, NE 68760.

  
Chris Kort  
Administrative Assistant II

June 14, 2016

TAKOJA TIPI DAY CARE  
Santee Sioux Nation Tribe, Licensee  
305 N. Veterans Memorial Drive  
Santee, NE 68760


Dear Santee Sioux Nation Tribe:

In accordance with the Notice of Disciplinary Action issued on May 25, 2016, by Courtney N. Phillips, MPA, Chief Executive Officer, 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 June 10, 2016, and it will remain in effect until June 10, 2017. 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, 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 Harriet Spelts, Child Care Licensing Supervisor, at (308) 535-8246.

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

## SANTEE SIOUX NATION TRIBE

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

located at: 305 N. VETERANS MEMORIAL DRIVE Santee NE 68760

A maximum of 25 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0730 to 1700 on MTWTF.

TAKOJA TIPI DAY CARE is hereby issued License No. CCC7832 which is effective on 04/14/1998

Amended: 06/10/2016

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 June 15, 2016.



Gouthroy N. Phillips, MPA  
Chief Executive Officer  
Department of Health and Human Services

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

**IN THE MATTER OF:** )  
**THE OPERATING CHILD CARE CENTER** ) **NOTICE OF**  
**LICENSE OF SANTEE SIOUX NATION TRIBE** ) **DISCIPLINARY ACTION**  
**D/B/A TAKOJA TIPI DAY CARE** )

**LICENSED LOCATION:** 305 N. VETERANS MEMORIAL DRIVE, SANTEE, NE., 68760  
**LICENSE NUMBER:** CCC7832  
**CAPACITY:** 25  
**AGES:** SIX WEEKS TO 13 YEARS  
**HOURS AND DAYS:** 7:30 A.M. TO 5:00 P.M., MONDAY THROUGH FRIDAY  
**DATE INITIALLY LICENSED:** PRIOR TO APRIL 14, 1998

**NOTICE:**

Santee Sioux Nation Tribe (hereinafter referred to as "Santee Sioux") 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 operating Child Care Center license, known as "Takoja Tipi", 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; ...

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;" ...

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; ...

391 NAC 3-002 DEFINITIONS: "Staff means an individual who provides direct care to the children attending the child care center, including the licensee, director, teacher, aide, and any other individual who counts in the staff-to-child ratio."

391 NAC 3-006.11 Employee Records Requirements: "The licensee must ensure the following employee records are maintained, updated as needed, and made available to the Department upon request. Records must be maintained for at least one year after an employee leaves the center."

391 NAC 3-006.11A Staff: "Records for all staff, except substitutes and volunteers, must include:

1. Name;
2. Address and telephone number;
3. Social Security Number;
4. Date of hire/termination;
5. A completed Report of Law Enforcement Contact;
6. Documentation of a criminal history record check;
7. A completed Health Information Report;
8. Documentation of Nebraska registry checks with no adverse findings;
9. Documentation that the individual has met the qualifications for the position;
10. Documentation of orientation training and required ongoing training; and
11. Documentation that the individual has read and understands these regulations."

#### **FACTS:**

Priscilla Brandt (hereinafter referred to as "Brandt") is the director of record. Robert Trudell is the Chairman. Sidney Tuttle is listed as the Human Resources Director.

On April 18, 2016, Nancy Carley (hereinafter referred to as "Carley"), Child Care Inspection Specialist, Children's Services Licensing, Licensure Unit, Division of Public Health, conducted a monitoring inspection to Takoja Tipi. This was in regard to a Licensing Agreement signed by Sidney Tuttle, representative of the Santee Sioux Nation Tribe on February 8, 2016 as a result of a complaint inspection conducted on January 5, 2016 when it was substantiated that a staff person had placed three children, ages 3 and 4 years of age, in high chairs in the kitchen area as discipline.

During her inspection, Carley observed Brandt with three other staff, Christina Biggerstaff, Alitia Tukluk and Audrey Denney. None of these individuals met teacher requirements nor had the appropriate background checks conducted. Brandt was the only individual who met teacher requirements and had the appropriate background checks. There were 22 children in care (three infants, four toddlers and 14 three-year-olds). Brandt was the only qualified staff at the center.

As of the date of this Notice, no paperwork to conduct the appropriate background checks on the three staff listed above has been received.



## **HISTORY:**

A review of Takoja Tipi's licensing file as it relates to background checks shows the following:

- On June 22, 2009, Takoja Tipi's license was placed on Corrective Action Status for allowing a person to work at the center for a about a week and a half whose name appeared on the Nebraska Central Registry of Child Abuse and Neglect. In addition, the center had a history of staff changes and persons from a jobs program being sent to work at the center who did not have prior to hire background checks or qualifications to serve as teachers at the center.
- On April 14, 2010, Takoja Tipi's license was suspended until May 27, 2010 for violating the terms of the Corrective Action Status and not submitting an application after conducting an inspection on August 4, 2009 and finding staff caring for children that had not been identified on the June 22, 2009 application. In addition, a new director had never been identified on an application. Therefore, the required background checks had not been able to be conducted.
- On September 22, 2010, an unannounced, semi-annual inspection was conducted. Staff records were incomplete as health information reports and in-service records were needed.
- On May 1, 2012, an unannounced, annual inspection was conducted. Felony/Misdemeanor Statements were required.
- On December 2, 2013, an unannounced, annual inspection was conducted. Staff records were incomplete in that not all background checks had been conducted.
- On March 18, 2015, an unannounced, annual inspection was conducted. Only one staff at the center had the necessary background checks.
- On July 22, 2015, a Notice of Disciplinary Action was initiated to impose a civil penalty against Takoja Tipi as they failed to submit criminal history record checks on two staff as noted during an unannounced, semi-annual inspection on March 18, 2015. The action was withdrawn as the program submitted the required documents.

## **DISCIPLINARY ACTION IMPOSED:**

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

1. Santee Sioux's Child Care Center license is placed on probation for a period of one year effective June 10, 2016. The following terms and conditions will apply:

- a. Santee Sioux must ensure that under no circumstances will any infant/child be left alone with any individual until that individual has had the appropriate background checks conducted and has been determined to be qualified. The Consent and Authorization for Release of Information Forms submitted to the Department must be returned to the program stamped with "No Record Found".
- b. Beginning June 10, 2016, Santee Sioux will retain a daily sign-in sheet of all individuals who have the responsibility for caring for children. The sign-in sheet should include: date, name of individual, time of arrival, time left for the day. These sign-in sheets should be submitted to the Department by the 15<sup>th</sup> of the following month and each month thereafter.

c. Santee Sioux must ensure that **all** individuals have the following documentation accurately completed prior to individuals caring for children:

- Report of Law Enforcement Contact forms.
- Documentation of Criminal History Record checks.
- Documentation of Sex Offender Registry checks.
- Consent and Authorization for Release of Information Forms submitted to the Department and returned to the program stamped with "No Record Found".

2. Santee Sioux is responsible for paying for all costs associated with compliance.

3. All documentation required must be submitted to Department, Attn: Nancy Carley, Child Care Inspection Specialist, Children's Services Licensing, 644 E. 4<sup>th</sup> Street, Ainsworth, Nebraska, 69210, or at such other address as directed in writing, by the Department.

4. 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.). Santee Sioux and any employees and/or agents must cooperate with the Department in these monitoring inspections.

5. 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.

6. 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.

7. If Santee Sioux discontinues the child care program for any reason, the time Santee Sioux 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 Santee Sioux and/or Takoja Tipi as licensee/director/owner shall be subject to the terms of this probation including completion of the probation period. Santee Sioux 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 June 9, 2016, 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 no later than June 9, 2016. 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

**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.**

That Nebraska Revised Statutes, section 71-1923 of the Child Care Licensing Act, provides "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: May 25, 2016

**Courtney N. Phillips, MPA  
Chief Executive Officer  
Department of Health and Human Services**



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

**CERTIFICATE OF SERVICE**

**COMES NOW**, the undersigned and certifies that on the 25 day of May, 2016, a copy of the foregoing **NOTICE OF DISCIPLINARY ACTION** was sent by certified and first class United States mail, sufficient postage prepaid to Roger Trudell, Chairman, Takoja Tipi Day Care, 305 N. Veterans Memorial Drive, Santee, Nebraska, 68760, Takoja Tipi Day Care, 425 Frazier Avenue North, Ste. 2, Niobrara, Nebraska, 68760, Santee Sioux Nation Tribe, 110 S. Visiting Eagle Street, Niobrara, Nebraska, 68760, Santee Sioux Nation Tribe, 108 Spirit Lake Avenue W., Niobrara, Nebraska, 68760 and Sidney Tuttle, Human Resources Director, Takoja Tipi Day Care, 425 Frazier Avenue North, Ste. 2, Niobrara, Nebraska, 68760.

  
Marsha Wandersee



Division of Public Health

State of Nebraska  
Pete Ricketts, Governor

### LICENSING AGREEMENT

I, Sidney Tuttle, representative of the Santee Sioux Nation, Licensee of Takoja Tipi Day Care Center, 305 N. Veterans Memorial Drive, Santee NE 68760, hereby voluntarily state and declare:

I have read and understand the Regulations Governing Licensure of Child Care Centers, Title 391 Chapter 3 (CSL003).

I agree to comply with each of the Regulations Governing Licensure of Child Care Centers as long as Takoja Tipi Daycare is licensed by the State of Nebraska to provide child care services.

I understand this Agreement is based on a complaint inspection conducted on January 5, 2016 at which the following violations were noted:

**391 NAC 3-006.11A Staff:**

Records for all staff, except substitutes and volunteers, must include:

11. Documentation that the individual has read and understands these regulations.

**391 NAC 3-006.15B Staffing Requirements:**

2. Each room where children are receiving care must have a teacher who is involved with the direct care of children.

3. During naptime, at least one teacher must be in the room where children are napping.

**391 NAC 3-006.19 Supervision:**

Adequate and appropriate supervision must be provided to children at all times children are in attendance.

**391 NAC 3-006.20A Prohibited Forms of Discipline:**

The following actions are prohibited as a form of discipline:

8. Isolating a child in a locked or closed room or closet;
12. Forced napping.

**391 NAC 3-006.22B Beds, Cribs and Sleeping Surfaces:**

The licensee must ensure that sleeping surfaces appropriate to the child's age and level of development are available for each child in care.

**391 NAC 3-006.23B Diapering and Toileting**

The licensee must ensure that diapering procedures are established and followed by center staff. The procedures must include:

- a. Wet and soiled diapers are changed immediately;
- b. Diapers are checked on a frequent and regular basis;

I agree and understand that:

- I will ensure that all staff have read and understand Child Care Center regulations
- I will ensure that each room where children are receiving care has a teacher at all times.
- I will ensure that children are adequately and appropriate supervised at all times.
- I will ensure that children are not forced to nap, nor isolated in a closed room at any time.
- I will ensure that children sleep on age appropriate surfaces and are not left in high chairs.
- I will ensure that the center diapering procedures are followed at all times, which includes checking diapers on a frequent and regular basis and wet diapers are changed immediately.

Further, I agree and understand that:

- Staff person, Marsha Pike will not be left alone with children at any time;
- All staff must register/enroll, attend and successfully complete a minimum of two hours of face-to-face training related to adequate and appropriate supervision. This training must be approved by the Early Childhood Training Center as well as the Department of Health and Human Services, as meeting the requirements for acceptable training for the child care program staff. Verification of completion of this training must be submitted to Nancy Carley, no later than 60 days from the signing of this agreement.

I understand that Children's Services Licensing staff shall conduct announced or unannounced visits to Takoja Tipi Daycare to determine compliance with this Agreement.

I agree that this Licensing Agreement will be prominently posted with my Child Care Center license so that it is clearly visible to parents and agency representatives.

Any violation of this Agreement may be grounds for further negative action or discipline as the Department of Health and Human Services, Division of Public Health, Children's Services Licensing, may deem appropriate.

This Agreement shall be in effect from the signing of this Agreement for a period of 6 months, at which time it will be reviewed by the Department to determine if this Agreement should be continued, revised or terminated. In addition, should a change of address occur or should I reapply for a different type of child care license, this Licensing Agreement may transfer to the new license and/or address if appropriate to the conditions of this Licensing Agreement.

Child Care Inspection Specialist

Date

Feb 8, 2016

Director Licensee

Facility

Takoja Tipi Daycare, SSN

SANTEE SIOUX NATION  
Address  
425 FRAZIER AVE. N., SUITE 2  
CAYMOUTH  
NIORRARA, NE 68760

Date

2/8/16

MRDST





Division of Public Health

State of Nebraska  
Pete Ricketts, Governor

### LICENSING AGREEMENT

I, Priscilla Brandt, Director at Takoja Tipi Day Care Center, 305 N. Veterans Memorial Drive, Santee NE 68760, hereby voluntarily state and declare:

I have read and understand the Regulations Governing Licensure of Child Care Centers, Title 391 Chapter 3 (CSL003).

I agree to comply with each of the Regulations Governing Licensure of Child Care Centers as long as Takoja Tipi Daycare is licensed by the State of Nebraska to provide child care services.

I understand this Agreement is based on a complaint inspection conducted on January 5, 2016 at which the following violations were noted:

**391 NAC 3-006.11A Staff:**

Records for all staff, except substitutes and volunteers, must include:

11. Documentation that the individual has read and understands these regulations.

**391 NAC 3-006.15B Staffing Requirements:**

2. Each room where children are receiving care must have a teacher who is involved with the direct care of children.

3. During naptime, at least one teacher must be in the room where children are napping,

**391 NAC 3-006.19 Supervision:**

Adequate and appropriate supervision must be provided to children at all times children are in attendance.

**391 NAC 3-006.20A Prohibited Forms of Discipline:**

The following actions are prohibited as a form of discipline:

8. Isolating a child in a locked or closed room or closet;
12. Forced napping.

**391 NAC 3-006.22B Beds, Cribs and Sleeping Surfaces:**

The licensee must ensure that sleeping surfaces appropriate to the child's age and level of development are available for each child in care.

**391 NAC 3-006.23B Diapering and Toileting:**

The licensee must ensure that diapering procedures are established and followed by center staff. The procedures must include:

- a. Wet and soiled diapers are changed immediately;
- b. Diapers are checked on a frequent and regular basis;

I agree and understand that:

- I will ensure that all staff have read and understand Child Care Center regulations
- I will ensure that each room where children are receiving care has a teacher at all times.
- I will ensure that children are adequately and appropriate supervised at all times.
- I will ensure that children are not forced to nap, nor isolated in a closed room at any time.
- I will ensure that children sleep on age appropriate surfaces and are not left in high chairs.
- I will ensure that the center diapering procedures are followed at all times, which includes checking diapers on a frequent and regular basis and wet diapers are changed immediately.

Further, I agree and understand that:

- Staff person, Marsha Pike will not be left alone with children at any time;
- All staff must register/enroll, attend and successful complete a minimum of two hours of face-to-face training related to adequate and appropriate supervision. This training must be approved by the Early Childhood Training Center as well as the Department of Health and Human Services, as meeting the requirements for acceptable training for the child care program staff. Verification of completion of this training must be submitted to Nancy Carley, no later than 60 days from the signing of this agreement.

I understand that Children's Services Licensing staff shall conduct announced or unannounced visits to Takoja Tipi Daycare to determine compliance with this Agreement.

I agree that this Licensing Agreement will be prominently posted with my Child Care Center license so that it is clearly visible to parents and agency representatives.

Any violation of this Agreement may be grounds for further negative action or discipline as the Department of Health and Human Services, Division of Public Health, Children's Services Licensing, may deem appropriate

This Agreement shall be in effect from the signing of this Agreement for a period of 6 months, at which time it will be reviewed by the Department to determine if this Agreement should be continued, revised or terminated. In addition, should a change of address occur or should I reapply for a different type of child care license, this Licensing Agreement may transfer to the new license and/or address if appropriate to the conditions of this Licensing Agreement.

[Redacted Signature]

Child Care Inspection Specialist

[Redacted Signature]

Director /Licensee

2-1-16  
Date

Takoja Tipi Daycare  
Facility

305 Veterans Mem. Dr.  
Address

Nebraska NE 68760  
City/State/Zip

2-1-16  
Date



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

April 16, 2010

Takoja Tipi Day Care  
425 Frazier Ave N Ste 2  
Niobrara NE 68760

Dear Santee Sioux Nation Tribe:

This letter is written to request that you submit to Marsha Wandersee in the Licensure Unit by return mail, within the next ten (10) days, your License to operate as a Child Care Center in the State of Nebraska. This request is being made since said License has been suspended effective April 14, 2010 by the Notice of Suspension issued by the Director, Dr. Joann Schaefer, of the Department of Health and Human Services, Division of Public Health on March 30, 2010. A new license will be issued upon reinstatement of your license.

Please contact Child Care Licensing, at (402) 471-9302 if you have any questions.

Sincerely,

[Redacted Signature]  
Helen L. Meeks, Administrator  
Licensure Unit

HLM/clb

cc: Child Care 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 SANTEE SIOUX NATION, )  
D/B/A TAKOJA TIPI DAY CARE )

NOTICE OF  
SUSPENSION

LICENSED LOCATION: 305 N. VETERANS MEMORIAL DRIVE, SANTEE, NE, 68760

**NOTICE:**

The Santee Sioux Nation is hereby notified that the Department of Health and Human Services, Division of Public Health, (hereinafter referred to as "Department") intends to suspend the operating 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 391 NAC 8-002 Staff Qualifications: "The director shall make available to the Department of Health and Human Services Regulation and Licensure, written verification of meeting staff qualifications (i.e., copy of transcript, letter of verification, grade reports, reference letters, certificates)." (Page 6, Standard 10, Child Care Center Standards)

"If a volunteer or substitute works over 15 hours per week and is counted in the staff-child ratio, that person shall meet the requirements for the position s/he is assuming." (Page 6, Standard 11, Child Care Center Standards)

"Within 30 days of hiring and annually thereafter, each staff member shall provide a Health Information Report ... current within six months of hiring or a report containing the same information. Form ... is due annually." (Page 6, Standard 12, Child Care Center Standards)

"The licensee and the director shall not knowingly allow any person, neither paid nor volunteer, who has been convicted of, admitted to, or there is substantial evidence of crimes involving intentional bodily harm, crimes against children, crimes involving the illegal use of a controlled substance, or crimes involving moral turpitude to be on the center premises. 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)

"The licensee shall list all staff, including volunteers and substitutes, on each application filed with the Department. (Page 6, Standard 14, Child Care Center Standards)

391 NAC 8-003 Registry Checks: "The Department of Health and Human Services shall clear the names of all staff employed by the center, as indicated on the application, with the Nebraska Central Registry and Child Abuse and Neglect and the Nebraska Adult Protective Services Registry before issuing a license." (Page 6, Standard 15, Child Care Center Standards)

391 NAC 8-004 Director Qualifications: "The Director must have reached the legal age of majority.

a. For centers licensed for more than 22 children, the Director shall meet one of the following requirements:

- (1) Have the minimum of a high school diploma or general education diploma and two years of verifiable experience in organized group activities for young children, as indicated by a positive reference from a former employer(s)/supervisor(s);
- (2) Verify that s/he has successfully completed six credit hours or 36 clock hours of Department-approved in-service in the area of child development, early childhood education, or child care administration. Business courses may be included, not to exceed 50 percent of the credit or clock hour requirements.
- (3) Have a Child Development Associate Credential;
- (4) Have an associate degree in child development, early childhood education, or child care administration;
- (5) Hold a bachelor degree from an accredited college or university and at least six credit hours in child development or early childhood education; or
- (6) Hold a bachelor degree in child development or early childhood education from an accredited college or university." (Page 6, Standard 16, Child Care Standards)

"The Director shall provide the licensee with at least two non-relative references before hiring. One of the references must be from a previous child care employer, if applicable. The reference check may be conducted by phone. A written record of the references must be retained in the Director's staff file and available for review by Department staff, upon request." (Page 7, Standard 17, Child Care Center Standards)

391 NAC 8-005 Teacher/Assistant Teacher Qualifications: "The teacher/assistant teacher must have reached the legal age of majority. S/he shall meet one of the following:

- (1) Obtain a written Department-approved plan to acquire at least three credit hours or 15 clock hours of Department-approved in-service in the area of child development, early childhood education, or child care administration in a period not to exceed 12 months;
- (2) Verify that s/he has one year of experience in organized group activities for young children as indicated by a positive reference from a former employer(s)/supervisor(s);
- (3) Have a Child Development Associate Credential; or
- (4) Hold a bachelor or associate degree in fields related to the care/education of children ages 0 to 12 years (i.e., early childhood education, child development, elementary education, or special education)." (Page 7, Standard 18, Child Care Center Standards)

"The Director shall obtain at least two non-relative references for each teacher and assistant teacher within 30 days of hiring. One of the references must be from a previous child care employer, if applicable. The reference check may be conducted by phone. A written record of the references must be retained in the employee's staff record and available for review by Department staff upon request." (Page 7, Standard 19, Child Care Center Standards)

"The support staff shall be at least 16 years of age." (Page 7, Standard 20, Child Care Center Standards)

391 NAC 8-006 Prior to Hire: "The Director shall insure that any person having responsibility for children has read and is familiar with the "Child Care Center Regulations." (Page 7, Standard 21, Child Care Center Standards)

"Candidates being considered for employment as a director, teacher, assistant teacher, and all support staff must be checked against the Nebraska Central Registry of Child Abuse and Neglect and the Nebraska Adult Protective Services Central Registry before being hired." (Page 7, Standard 22, Child Care Center Standards)

"Candidates being considered for employment as a director, teacher, assistant teacher and/or support staff shall submit a signed "Felony/Misdemeanor Statement" to the licensee or director. The licensee or director shall request additional information from the appropriate law enforcement agency as needed to comply with Department regulations." (Page 7, Standard 23, Child Care Center Standards)

#### **FACTS:**

Santee Sioux Nation is the licensee of an Operating Child Care Center. This program is licensed for a maximum of 30 children, 6 weeks to 13 years of age, Monday through Friday, 7:00 a.m. to 5:45 p.m. and has been licensed since prior to 1994.

On June 22, 2009, this program was placed on Corrective Action Status because of violations of staff qualifications and failure to have the required registry checks conducted prior to the hiring of potential employees. An application was received by the Department on that date from the program showing a director and staff. However, in July of 2009, the Department was informed that the director, Dedra Handboy, had resigned. Department staff made an inspection on August 4, 2009, and found staff caring for children that had not been identified on the June 22, 2009, application. This included a new director, Yvonne Bickerstaff, who has never been identified on an application.

On September 30, 2009, the Department learned that Ms. Bickerstaff was no longer serving as director. The terms of the Corrective Action Status included that applications be submitted immediately for future changes in staff in order for the required background checks be completed and to ensure that the director of the program and all staff met staff qualifications. Documentation or an application with the names of a director and other staff have not been submitted to the Department. Without this information the Department has not been able to complete the required checks against the Nebraska Central Registry and Child Abuse and Neglect and the Nebraska Adult Protective Services Registry or to verify that the program has made its required background checks of staff or that staff meet the qualifications for the positions held.

As of the date of this Notice, a complete application has yet to be submitted to the Department and the program has not complied with the terms of the Corrective Action Status imposed June 22, 2009 through December 22, 2009.

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

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

1. The Santee Sioux Nation's Child Care Center license, Takoja Tipi, is suspended until such time as the Santee Sioux Nation has submitted in writing and the Department has approved in writing all of the following:

- a. A complete application listing all staff employed at the program, including volunteers and substitutes.
- b. Documentation that it has hired a full-time director or interim director who meets qualifications to be a director.
- c. Documentation that all staff meet qualifications for the position they are assuming.
- d. Documentation that the program has completed all required Prior to Hire checks on all staff employed at the program, including volunteers and substitutes.
- e. Documentation that the program has Felony/Misdemeanor Statement on all staff employed at the program, including volunteers and substitutes.

These documents/verifications must be submitted to Nancy Carley, Child Care Inspection Specialist, Children's Services Licensing, 644 East 4<sup>th</sup> Street, Ainsworth, Nebraska, 69210 for approval. Santee Sioux Nation will not employ or allow any director and/or staff to be responsible for any children without the prior written approval of the Department.

2. Santee Sioux Nation must prominently post a copy of this Notice of Suspension so it is clearly visible to parents and agency representatives.
3. 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.

**BE ADVISED:**

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on April 14, 2010, 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 April 14, 2010, 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

Nebraska Revised Statutes, section 71-1911, provides that a person who has had their "license suspended or revoked other than for nonpayment of fees shall not operate or offer to operate a program for or provide care to any number of children until the person is licensed pursuant to this action." In addition, section 71-1920, (2), states that "a person who has had a license revoked for any cause other than nonpayment of fees shall not be eligible to reapply for a license for a period of two years."

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."

Title 391 of the Nebraska Administrative Code, section 4-001.04, also provides that the "licensee shall not transfer the license to a household member or current staff member while a ... suspension action is still pending." 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: MARCH 30, 2010

**Joann Schaefer, M.D.**  
**Chief Medical Officer**  
**Director, Division of Public Health**  
**Department of Health and Human Services**

By: Patricia Urzedowski, 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

**CERTIFICATE OF SERVICE**

COMES NOW, the undersigned and certifies that on the 30th day of March, 2010, a copy of the foregoing **NOTICE OF SUSPENSION** was sent by certified and first class United States mail, sufficient postage prepaid to Takoja Tipi Day Care, 305 N. Veterans Memorial Drive, Santee, Nebraska, 68760 and RR 2 Box 5113, Niobrara, Nebraska, 68760, and Santee Sioux Nation, 425-Frazier Avenue North, Ste. 2, Niobrara, Nebraska, 68760.





Division of Public Health

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

State of Nebraska

Dave Heineman, Governor

July 27, 2009

Takoja Tipi Day Care  
RR 2 Box 5113  
Niobrara NE 68760

Dear Dedra:

In accordance with the letter, written by Harriet Spotts, Child Care Licensing Supervisor, on July 2, 2009, 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 June 22, 2009, and it will remain in effect until December 22, 2009. 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 Wanderssee in the Licensure Unit. If you have any questions please contact Child Care Licensing, at (402) 471-9302.

Sincerely,

[Redacted Signature]  
Helen L. Meeks, Administrator  
Licensure Unit

HLM/clb

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

Department of Health and Human Services  
Regulation and Licensure

**SANTEE SIOUX NATION TRIBE**  
is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an  
**Operating Child Care Center**  
located at: **RR 2 BOX 5113 NIOBRARA NE 68760**

A maximum of 30 children in ages 6 WKS to 13 YRS may be in attendance at any one time during the hours of 0700 to 1645 on MTWTF.

**TAKOJA TIPI DAY CARE** is hereby issued License No. **CCC7832**  
whose status is **Active-Corrective Action Status** effective from 06/22/2009

Amended: 09/08/2005

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 July 27, 2009.



[Redacted Signature]  
[Redacted Title]  
Director of Public Health, Department of Health and Human Services

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



STATE OF NEBRASKA

DAVE HEINEMAN, GOVERNOR

DEPARTMENT OF SERVICES • DEPARTMENT OF REGULATION AND LICENSURE  
DEPARTMENT OF FINANCE AND SUPPORT

July 2, 2009

Dedra Henry, Director  
Frank Whipple, Human Resource Manager  
Takoja Tipi Day Care  
Santee Sioux Nation  
425 Frazier Ave. N Ste 2  
Nebraska NE 68760

Dear Dedra,

I have received and reviewed your Corrective Action Plan. You have addressed all of the items listed in your Corrective Action Status notice. Your plan is approved.

Your plan stated the following:

1. The persons responsible for hiring child care staff are Frank Whipple and Desiree Swalley, Human Resource office and Dedra Handboy, Center director. The center director will ensure that an application and appropriate Release of Information forms are submitted.
2. Dedra Handboy will be responsible for submitting a completed application immediately and all future applications.
3. A list of substitutes will be created and appropriate checks will be conducted on those substitutes.
4. Dedra Handboy, director, teachers and assistance teachers will received adequate trainings in order that they will meet qualifications for their respective positions.

You are required to follow the plan you submitted as outlined above.

Your Corrective Action Status is in effect from June 22, 2009 to December 22, 2009.

You are subject to monitoring visits by Children's Services Licensing staff to determine compliance with this plan.

If at any time subsequent to your placement on Corrective Action Status, should Children's Services Licensing receive substantiated concerns or complaints relating to the care, well-being or risk to children in care, Children's Services Licensing/Licensure Unit will initiate further negative action against your Child Care Center license.

If you have any questions, please contact Nancy Carley (402) 387-2523 or myself at (308) 535-8246.

Sincerely,

Harriet Spells, Child Care Licensing supervisor  
Children's Services Licensing  
Division of Public Health  
200 South 11th  
North Platte NE 69101

CC: Nancy Carley, CCIS  
Marsha Wandersoo, Administrative Assistant



June 3, 2009

Harriet Spelts  
Child Care Licensing Supervisor  
Children's Services Licensing  
Division of Public Health  
200 South Silber  
North Platte, NE 69101

Ms. Spelts,

Enclosed you will find a "A Plan of Action" to correct the issues stated in the letter dated May 19, 2009 which placed the Takoja Tipi Daycare on a "Corrective Action Status".

1. The persons responsible for hiring the child care staff are Frank Whipple/Human Resource Manager, Desiree Swalley/Human Resource Assistant and Dedra Handboy/Daycare Director. The Daycare Director will ensure that the application is complete with a Release of Information that will be submitted to the Department of Lincoln before hiring and / or interviewed.
2. The Daycare Director will be the person responsible to ensure that a completed application on all staff to be submitted immediately for future applications should there be a change in staff.
3. A list of substitutes has been created. The substitutes have cleared the Central Registry Check with a completed application. These persons will be utilized as on on-call basis when staff to child ratio need to be met and / or utilized when a hired staff person is on leave.
4. The Daycare Director and teachers as well as teacher assistants will receive adequate trainings and or in-services set up for them to meet qualifications in the child care program.

Respectfully Submitted,



Frank Whipple  
Human Resource Manager

Dedra Handboy  
Daycare Director

Cc: Nancy Carley/Child Care Inspection Specialist

May 19, 2009

**CERTIFIED MAIL**

Takoja Tipi Day Care  
Mr. Butch Denny  
Mr. Roger Trudell  
Mr. Frank Whipple  
Santee Sioux Nation  
425 Frazier Ave N Ste 2  
Niobrara NE 68760

Gentlemen,

Nebraska Revised Statutes, section 71-1911 (4) of the Child Care Licensing Act, effective July 16, 2004, (law 2004, LG 1005), provides that the department may place a license on Corrective Action Status.

**FACTS:**

On May 10, 2009, Nancy Carley, Child Care Inspection Specialist, substantiated that the Takoja Tipi Day Care had a person working at the center for a period of about a week and a half whose name appears on the Nebraska Central Registry of Child Abuse and Neglect. This allegation was substantiated during a phone call to acting director, Dedra Henry. A Prior to Hire background check would have revealed this history.

The center has had a history of staff changes and persons from a jobs program being sent to work at the center with the children who did not have prior to hire background checks or qualifications to serve as teachers in the center.

On March 20, 2009, it was determined that the Director of Takoja Tipi Day Care, Priscilla Brandt, was no longer serving as director of the center. A letter was sent to the above persons outlining the noncompliance relating to this change and requesting a completed application, staff and director qualifications and prior to hire forms. A copy of the Child Care Center Standards, along with Authorization for Release of Information forms were also included in the 3-20-09 mailing. Numerous phone calls to Frank Whipple were not returned. A phone call was made to Mr. Denny on May 8, 2009. In this conversation Mr. Denny stated that an application would be sent. To date, no application has been received.

**REGULATORY BASIS:**

**391 NAC 8-002 STAFF QUALIFICATIONS:**

The licensee and the director shall not knowingly allow any person, neither paid or volunteer, who has been convicted of, admitted to, or there is substantial evidence of crimes involving intentional bodily harm, crimes against children, crimes involving the illegal use of a controlled substance, or crimes involving moral turpitude to be on the center premises. 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.

The licensee shall list all staff, including volunteers and substitutes, on each application filed with the Department.

**391 NAC 8-003 REGISTRY CHECKS:**

The Department of Health and Human Services shall clear the names of all staff employed by the center, as indicated on the application, with the Nebraska Central Registry of Child Abuse and Neglect and the Nebraska Adult Protective Services Registry before issuing a license.

**391 NAC 8-006 PRIOR TO HIRE:**

Candidates being considered for employment as director, teacher, assistant teacher, and all support staff must be checked against the Nebraska Central Registry of Child Abuse and Neglect and the Nebraska Adult Protective Services Central Registry before being hired.

**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:

- (a) The licensee is unable to comply with all the 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 the 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 one year.

### **CORRECTIVE ACTION STATUS: 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 minimum the plan should specifically address is the following:

1. Describe which Tribal Council members and/or officers are directly responsible for the supervision of the child care program; who hire child care staff, including the director, who would conduct interviews of staff and insure that the Release of Information form is completed and submitted to the Department in Lincoln prior to any person being allowed to interact with children as staff, paid, volunteer or support staff.
2. Describe who will be responsible for seeing that a completed application, listing all staff will be submitted immediately and who will be responsible for submitting future applications should there be another change in staff.
3. Describe how adequate, qualified staff will be available in order to maintain staff/child ratio when regular staff are on leave. Substitutes must also have completed background checks.
4. Describe how center staff will work to meet director qualifications and teacher, assistant teacher qualifications.

Please submit your written Corrective Action Plan to Nancy Carley, Child Care Inspection Specialist, Health and Human Services, 644 East Fourth Street, Ainsworth NE 69210 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 care on the effective date of the finding of violation, for each day the program is in violation;
- (d) Establish restrictions on new enrollment in 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 provided by the program.

If you have any questions regarding this letter, please contact Nancy Carley, (402)387-2523 or 888-454-0474 or myself, Harriet Spelts, (308)535-8246.

Thank you.

Sincerely,

A black rectangular redaction box covering the signature of Harriet Spelts.

Harriet Spelts  
Child Care Licensing Supervisor  
Children's Services Licensing  
Division of Public Health  
200 South Silber  
North Platte NE 69101

Cc: Nancy Carley, Child Care Inspection Specialist  
Marsha Wandersee, Administrative Assistant II  
Charlene Young, Resource Development Worker