

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

April 11, 2018

Alphabet Academy  
Owned by BMJ Kids Inc.  
2861 Capehart Rd.  
Bellevue, NE 68123

Dear Alphabet Academy:

This letter is to acknowledge receipt, as of April 2, 2018, of check number 7095 for \$140.00 which is payment remitted in accordance with the Notice of Disciplinary Action issued on March 19, 2018, by Thomas L. Williams, MD, Chief Medical Officer, Director, Division of Public Health, Department of Health and Human Services. Therefore, the total amount of \$140.00 has been paid in full.

Thank you for your remittance.

Sincerely,

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

BW/ck

Cc: Children's Services Licensing



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

**IN THE MATTER OF:** )  
**THE OPERATING CHILD CARE CENTER LICENSE OF** ) **NOTICE OF**  
**ALPHABET ACADEMY OWNED BY** ) **DISCIPLINARY ACTION**  
**BMJ KIDS INC.** )

**LICENSED LOCATION:** 2861 CAPEHART RD., BELLEVUE, NE 68123  
**MAILING ADDRESS:** 8001 KEYSTONE DR., OMAHA, NE 68134  
**LICENSE NUMBER:** CCC9359  
**CAPACITY:** 70  
**AGES:** 6 WEEKS TO 12 YEARS  
**HOURS AND DAYS:** 6:00 AM TO 8:00 PM, MONDAY THROUGH FRIDAY  
**DATE INITIALLY LICENSED:** SEPTEMBER 24, 2012

**NOTICE:**

Alphabet Academy, owned by BMJ Kids Inc. (hereinafter referred to as "Alphabet"), is notified that the Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Department"), is imposing disciplinary action against Alphabet'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: (c) Impose a civil penalty of up to five dollars per child, based upon the number of children for which the program is authorized to provide child care on the effective date of the finding of violation, for each day the program is in violation." ..."

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

1. Failure to meet or violation of any of the requirements of the Child Care Licensing Act or the rules and regulations adopted and promulgated under the Act; ...
4. Conduct or practices detrimental to the health or safety of a person served by or employed at the program;" ...

391 NAC 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"...

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

9. Documentation that the individual has met the qualifications for the position;
10. Documentation of orientation training and required ongoing training;"...

## **FACTS AND FINDINGS:**

On January 10, 2018, Dawn Kozak, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Division of Public Health (hereinafter referred to as "Kozak"), conducted an unannounced semi-annual and monitoring inspection of Alphabet. The monitoring portion of this inspection was the result of Alphabet's license being placed on Corrective Action Status on September 18, 2017.

The Corrective Action Status specified that Alphabet was to ensure that prior to hiring staff, all required paperwork would be in place before staff would be allowed to work with children. This included background checks, qualification statements, and proof of orientation.

The January 10, 2018 inspection documented the following violations of the Corrective Action Status:

- Kyle G. had no Criminal History Report available for review and was caring for children. This is required PRIOR to staff working with children.

- Shannon G. had no Sexual Offender Registry checks and was caring for children. This is required PRIOR to staff working with children.
- The Report of Law Enforcement Contact report for Annie was expired and the report for Shannon G. reflected no history, yet her criminal history showed there was a history.
- Shannon G. had no high school diploma available for review. The department was unable to verify if she qualified as a teacher and could be alone with children. Kozak observed Shannon to be alone with children during the visit. This is required PRIOR to staff working alone with children.
- There was no written documentation that Jordan A, Kyle G., or Taylor Martin had completed staff orientation.
- Each room is required to have a qualified teacher present at all times. Shannon's qualification documents were incomplete and Shannon was seen alone with children. Kozak could not verify Shannon qualified as a teacher.
- Kozak was unable to verify whether any staff on the premises met the requirements to workin with children based on the missing, incorrect, and incomplete information in the staff files. The required documentation was submitted to the Department and Alphabet was in compliance as of January 24, 2018.

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

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

1. Alphabet is assessed a civil penalty in the amount of \$140 per day (\$2.00 times license capacity of 70 children) for one day, January 10, 2018, that the program was found to be out of compliance with the regulations cited and violation of the Corrective Action Status.

Said penalty is payable to the Nebraska Department of Health and Human Services, Division of Public Health. Said penalty is to be sent to Chris Kort, PO Box 94986, Lincoln, NE 68509-4986.

2. Failure to pay may be grounds for revocation or such other discipline as the Department may deem appropriate after notice to the licensee and an opportunity for a hearing.

**BE ADVISED:**

Pursuant to Nebraska Revised Statutes, section 71-1922, this action becomes final on April 3, 2018, 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 a 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 before April 3, 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. 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 71-1911, 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: MARCH 19, 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 19<sup>th</sup> day of March, 2018, a copy of the foregoing NOTICE OF DISCIPLINARY ACTION was sent by certified and first class United States mail, sufficient postage prepaid to ALPHABET ACADEMY, 2861 CAPEHART RD., BELLEVUE, NE 68123.

Chris Kort  
Administrative Assistant

# NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

September 20, 2017

ALPHABET ACADEMY  
BJM Kids, Inc., Owner  
Bradley D. Metzler, Owner/President  
2861 Capehart Road  
Omaha, NE 68134


Dear Mr. Metzler:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on September 18, 2017, the original License of Alphabet Academy to operate as a Child Care Center in the State of Nebraska has been placed on Corrective Action Status. A license imprinted with the term "Corrective Action Status" is enclosed. This status became effective September 13, 2017, and it will remain in effect until March 13, 2018. Upon completion of this term, a new license will be issued to the Academy.

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: Rita Krusemark, 301 Centennial Mall South, Lincoln, NE 68509-4986.

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

Sincerely,

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

BW/dcp

cc: Children's Services Licensing

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

# State of Nebraska

Department of Health and Human Services  
Division of Public Health

## BJM KIDS INC.

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

located at: **2861 CAPEHART RD STE A-D Bellevue NE 68123**

A maximum of **70** children in ages **6 WKS** to **12 YRS** may be in attendance at any one time during the hours of **0600** to **1800** on **MTWTHF**.

**ALPHABET ACADEMY** owned by **BJM KIDS INC** is hereby issued License No. **CCC9359**  
whose status is **Active-Corrective Action Status** effective from **09/13/2017**

Amended: 09/13/2017

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  
**September 20, 2017.**



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



# NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

September 18, 2017

Alphabet Academy  
2861 Capehart Road  
Bellevue Ne. 68123

Dear Mr. Metzler:

The Nebraska Department of Health and Human Services, Children's Services Licensing, has received your corrective action plan. The attached corrective action plan has been reviewed and given final approval effective 9/13/2017.

A new license identified with "Corrective Action Status" will be mailed to your facility. The new license is to be posted in a prominent location. This license status will be in effect for a period of six months from the date of approval, 9/13/2017 until 3/13/2018.

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

If you have any questions, please contact Meghan Brewer Child Care Inspection Specialist, at 402-595-1948 or me.

Sincerely, 

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

/jp

Cc: Meghan Brewer, Child Care Inspection Specialist  
Heather Stryker, Resource Developer Supervisor

# BJM Kids, Inc.

Alphabet Academy | Jr. Alphabet Academy

In response to the Corrective Action Status, enclosed are the facts and our response to the findings:

- The issue:
  - On June 23, 2017 a 3-year old male child had a bruise on the back of his left ear and staff did not know what happened.
  - The mother of the child brought the matter to the attention of the Director.
  - Upon learning that the mother suspected Catherine Miller of the action and after talking with Catherine and the Licensee, the Director placed Ms. Miller on immediate, unpaid suspension.
  - During the course of the investigation, the Director obtained video for the authorities to view.
  - After first denying what took place, Ms. Miller eventually admitted to authorities that she grabbed the boy's ear. When the authorities alerted the Director of the confession, Ms. Miller's employment status was changed was from suspension to termination.
- Catherine Miller
  - Was starting her 9<sup>th</sup> month of employment having been hired by Alphabet Academy on October 19, 2016.
  - Had begun her Early Childhood Education, taking advantage of a program offered by BJM Kids, Inc, to pay for tuition to Metro Community College. Ms. Miller had successfully completed
  - Ms. Miller was in a Lead Teacher role in the Pre-school 1 room and had not exhibited any behaviors that would suggest the above incident would take place.
- Corrective Action Appropriate Child Discipline
  - Ms. Miller was immediately suspended without pay and upon completion of the investigation was terminated.
  - If any incident involving non-compliant physical contact with children takes place within the center, the associate will be terminated.
  - Our Policy and Procedure manual details acceptable forms of discipline...the following is from the Employee Handbook and Orientation manual which is reviewed in each associate's orientation:

# BJM Kids, Inc.

Alphabet Academy | Jr. Alphabet Academy

## Discipline

- Alphabet Academy utilizes a positive, reinforcing means of discipline.
  - Explanation of bad behavior, example of appropriate behavior, and praise when behavior is modified
  - If needed, time out will be utilized
    - Time out will be administered within a safe, lighted, and well-ventilated area
    - Will occur within direct vision of staff
    - Not exceed more than one minute for each year of the child's age. If the time a child spends in time out is extended, it must be carried out as indicated by a behavioral management plan developed and monitored by a licensed or certified professional qualified to identify the special needs of a child, as having a physical, emotional, or social developmental delay or impairment.
    - The following are prohibited forms of discipline
      - Spanking
      - Slapping
      - Pinching
      - Punching
      - Shaking
      - Striking with any object
      - Use of soap, hot sauce, or other unpleasant food and non-food items
      - Isolating a child in a locked or closed room or closet
      - Handling roughly
      - Biting
      - Denial of food
      - Forced napping
      - Subjecting children to derogatory remarks about the child or the child's family
      - Abusive or profane language directed at children
      - Yelling or screaming at children
      - Threats of physical punishment
      - Mechanical Restraints

# BJM Kids, Inc.

Alphabet Academy | Jr. Alphabet Academy

- Corrective Action Appropriate Child Discipline (cont'd)
  - All current associates will review the Employee Handbook and Orientation Manual. Documentary proof will be done via acknowledgement sheet signed by each associate of Alphabet Academy. This will be emailed or faxed to Meghan Brewer.
  - Due date – upon approval, 9/22/17
  
- Corrective Action Class Room Management
  - All current associates will review the enclosed Class Room Management Policy. Documentary proof will be done via acknowledgement sheet signed by each associate of Alphabet Academy. This will be emailed or faxed to Meghan Brewer.
  - A notebook containing this policy will be placed in each room for teacher review as needed.
  - Licensee will meet with each teacher individually to ensure 100% understanding of expectations.
  - Due date – upon approval, 9/22/17
  
- Corrective Action Supervision of Children
  - All current associates will review the enclosed Child Supervision Policy. Documentary proof will be done via acknowledgement sheet signed by each associate of Alphabet Academy. This will be emailed or faxed to Meghan Brewer.
  - A notebook containing this policy will be placed in each room for teacher review as needed.
  - Licensee will meet with each teacher individually to ensure 100% understanding of expectations.
  - Due date – upon approval, 9/22/17
  
- Corrective Action New Hire Qualification and Training
  - Directors and Assistant Directors will review the New Hire Qualification and Training Policy. Documentary proof will be done via acknowledgement sheet signed by the Director and Assistant Director of Alphabet Academy. This will be emailed or faxed to Meghan Brewer.
  - Licensee will meet with Director and Assistant Director to ensure 100% understanding of expectations.
  - Due date – upon approval, 9/22/17

# **BJM Kids, Inc.**

Alphabet Academy | Jr. Alphabet Academy

## **Child Supervision Policy**

Purpose of the policy is to ensure that every child in attendance will be supervised by staff at all times.

- All children attending the Alphabet Academy will be supervised during the entire time they are in the facility, which includes the playground.
- All children upon arrival or departure must be marked in or out on the daily attendance sheet, indicating the time of arrival or departure. This must be done at the time when the child is released from the parent/guardian to the receiving staff upon arrival or from the supervising staff to the parent/guardian upon departure.
- Attendance clipboards are to be kept with each group of children at all times.
- Room attendance numbers will be confirmed verbally with the Director or Assistant Director who will record on the board in the office. A picture of the board is communicated to the Licensee daily (via text message).
- Head counts must be completed before and after a transition with a group of children from one activity area to another (e.g. classroom to playground). In addition to headcount, when a group of children are in transition from one activity area to another, staff must retain close visual supervision of the children at all times during the transition (playground, restroom, etc).
- All staff are to be alert to any deficiency and report to management immediately.
- The Director will make numerous visits to each classroom during the day to ensure teachers are engaged with children, following written daily schedules, and all children are being properly supervised. Director will maintain a 'walk-around' notebook to record any needs, deficiencies, etc.
- Licensee will conduct monthly review of Director logs, documenting review in Director log book.

# **BJM Kids, Inc.**

Alphabet Academy | Jr. Alphabet Academy

## **Staff Hiring and Training Policy**

This policy is to 1) ensure all staff have appropriate paperwork and background checks prior to employment, 2) have proper orientation and training, and 3) are placed in the proper position and 4) have ongoing training opportunities

### **Prior to Hire**

- Hiring Director will gather all paperwork, ensure Central Registry, Criminal, and Sex Offender registry checks are complete, and the file is 100% in order
- Hiring Director will perform reference check and verify credentials

### **Qualifications**

- Hiring Director will adhere to 391 guidelines when hiring and hiring / placing new hires
  - All qualified teachers must have a high school diploma or GED
  - Qualified Teachers (Lead Teachers) will be at least 18 years of age
  - Hold a Bachelor's degree from an accredited college in early childhood education or development
  - Have a child associate development credential – OR -
    - 1500 clock hours of organized youth activities or childcare experience as verified by a positive reference from a former employer
    - Approved training plan (45 hour or college courses)
  - Support staff must be at least 16 years of age and have all required paperwork completed prior to hire

## Upon Hire

- Hiring Director will perform orientation with new associate during their 1<sup>st</sup> week of employment. Orientation includes the receipt and review of the following material:
  - Title 391 review and study guide review
  - Employee Orientation and Handbook manual
  - All center policy and procedure review
  - Medication Dispensing review and form
  - Written Description of Services
  - Child Development Program
  - Emergency Preparedness
- Orientation will include time in each classroom, observing classroom management, schedules, teaching styles, and supervision.
- New associate will be introduced to parents as they enter the classroom.

## Transition from Orientation

- Director or Assistant Director will train new associate in the classroom on classroom management, classroom supervision, and following the daily schedule.
- Dependent upon prior classroom experience and observed classroom skills, Director will make decision as to when the teacher will be able to lead a classroom.

## Ongoing Training

- In addition to daily, hands-on training, BJM Kids, Inc provides all of the training necessary for associates at no cost to them, including:
  - 1<sup>st</sup> Aid and CPR – classes are scheduled annually
  - Safe with You – classes are scheduled at regular intervals
  - Domain training – classes are scheduled multiple times per year
  - Transportation Class – held for all associates who transport
  - Food handling classes – held for all associates who handle food
  - Metro Tuition Reimbursement Plan – BJM Kids pays for initial Early Childhood Development class if an associate wishes to begin their education. Opportunities for further classes do exist.

# **BJM Kids, Inc.**

Alphabet Academy | Jr. Alphabet Academy

## **Classroom Management Policy**

Alphabet Academy is committed to providing an environment where children thrive, while feeling safe and secure. To that end, behavior and classroom management policies will be followed in order to provide a safe and secure environment for children and staff.

### **Daily Organization and Teaching**

- Children must be engaged in an organized activity at all times.
- Each classroom will have a daily schedule displayed. This schedule will be consistently followed.
- A consistent daily schedule helps in creating a routine, structured environment.
- Special guests (e.g. The Story Peddler), field trips, and other activities are acceptable alterations to the daily schedule.
- With consistent schedules; teachers, children, and parents have clear expectations and are well prepared for their day.
- Each classroom will have a set of 3-5 classroom rules displayed. These will be discussed throughout each day.
- Older classrooms (pre-school) will set rules together to engage and create ownership of the rules by the children.
- All classroom rules will be tailored to the developmental level of the children in attendance, be stated in a clear, positive way, and be used consistently.

### **Behavioral Issues**

- Teachers will discuss any behavior issues amongst the class or individually, as needed.
- Teachers will collaborate in problem-solving with the children. This will be used as means of preventing further behavioral difficulties between children and decrease the need for disciplinary action.
- When situations occur which require intervention, a director will be notified immediately.
- Together, director and teacher, will provide children with clear explanations as to why specific behavior is inappropriate and help them to find an alternative behavior that fits within classroom guidelines.
- If a child is displaying persistent, unacceptable behavior, the teacher will take steps to help the child gain self-control.
  - Teachers will first attempt to help the child understand the severity of the behavior.



- Teachers will then re-direct the child to activities that hold the child's attention (the choice is made with the child). If the behavior continues, the teacher will consult with Director to develop alternatives for helping the child gain acceptable control of his/her behavior.
- If the problem persists, the director will contact the child's parent for suggestions on correcting the child's behavior. A meeting between director, teacher(s), and parent(s) may take place to develop a behavioral plan. If necessary, the director will recommend other resources to assist in behavioral and/or developmental needs, such as Child Saving Institute or Bellevue Public Schools.
- The parent will be informed that if the measures do not work, the child may have to be removed from the program. Our goal is to help the child strengthen his/her developmental and social skills.
- Removing the child from the class is a final step that would be taken after all other measures have been exhausted.

*If a staff member feels overwhelmed or that he/she needs assistance in gaining classroom control he/she is encouraged to seek out advice and/or assistance from a director or assistant director.*

## Discipline

- No child shall be subjected to emotional abuse, which includes but is not limited to name calling, ostracism, shaming, making derogatory remarks about a child or the child's family, and using language that threatens, humiliates, or frightens the child.
- No child shall be held in physical restraint by any staff member.
- No child shall be subjected to the use of mechanical restraints, such as tying.
- No child shall be subjected to corporal punishment, which includes but is not limited to rough handling, shoving, hair pulling, ear pulling, shaking, smacking, , slapping, kicking, biting, pinching, squeezing, hitting, or spanking.
- No child shall be force fed or denied food or water as a punishment for unacceptable behavior.
- No child shall be denied light, warmth, clothing or medical care as a punishment for unacceptable behavior.
- No child shall be punished or criticized for soiling, wetting or not using the toilet.
- All children will be treated with dignity and respect.

## Acceptable forms of discipline

- Alphabet Academy utilizes a positive, reinforcing means of discipline.
- Teacher will provide an explanation of bad behavior, example of appropriate behavior, and praise when behavior is modified
- If needed, time out will be utilized
  - Time out will be administered within a safe, lighted, and well-ventilated area
  - Will occur within direct vision of staff
  - Not exceed more than one minute for each year of the child's age.
  - If the time a child spends in time out is extended, it must be carried out as indicated by a behavioral management plan developed and monitored by a licensed or certified professional qualified to identify the special needs of a child, as having a physical, emotional, or social developmental delay or impairment.

# NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

August 21, 2017

Alphabet Academy- BJM Kids INC.  
2861 Capehart Rd.  
Bellevue Ne. 68123  
Brad Metzler ,Licenee

Certified Mail and Regular Mail

Dear Mr. Metzler;

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

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

#### FACTS:

On 6/23/2017, a 3 year old male child had a bruise on the back of his left ear and staff did not know what happened. A staff member admitted to law enforcement that she had become frustrated and pulled the child's ear leaving bruising.

#### REGULATORY BASIS:

NAC 391 3-008.01 Grounds for Denial or Disciplinary Action

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

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

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

6. A written policy and procedure on class room management to ensure that teachers and children are engaged in activities and the environment is controlled.
7. A written policy and procedure on supervision of children and how children will be supervised at all times.
8. A written policy and procedure on how staff will be qualified and trained upon hiring.

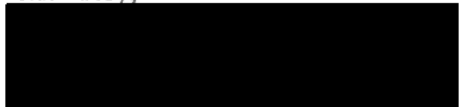
Please submit your written Plan of Correction to Meghan Brewer, Child Care Inspection Specialist, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, 1313 Farnam St., Omaha, NE 68102 **within ten calendar days** after you receive this letter.

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

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

If you have any question regarding this letter, please contact Meghan Brewer , Child Care Inspection Specialist at 402-595-1948 or Jo Pfeiffer, Child Care Licensing Supervisor at 402-595-3335.

Sincerely,

  
Jo Pfeiffer, Child Care Licensing Supervisor  
Office of Children's Services Licensing  
Nebraska Department of Health and Human Services  
1313 Farnam St., 3<sup>rd</sup> floor  
Omaha, NE 68102

cc: Meghan Brewer, Child Care Inspection Specialist  
Office of Children's Services Licensing, Central Office