

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

LICENSING AGREEMENT

I, Barbara Bettin, Chief Executive Officer of YMCA School Age Only at Elliott Community Learning, operating as a School-age Only Child Care Center located at 225 South 25th Street Lincoln, NE. 68510 hereby state and declare:

I have read and understand the Regulations Governing Licensure of School-age Only Child Care Center Title 391 NAC Chapter 4.

I agree to comply with each of the School-Age-Only Child Care Center Regulations as long as I am licensed by the State of Nebraska to provide child care services.

I understand that this Licensing Agreement is a result of a semi-annual and follow-up licensing visit conducted by Marvie Sullivan, Child Care Inspection Specialist (CCIS) on April 19 and April 24, 2017.

The visits resulted in the continued violation of 391 NAC 4-006.19 "Adequate and appropriate supervision must be provided to children at all times children are in care, including during outdoor play"

Definition: adequate and appropriate supervision includes:

1. Knowing the whereabouts and being within sight and sound of all children at all times
2. Being awake, alert, attentive and responsive to the needs of all children, and
3. Protecting or removing children from harm.

During the licensing visit on April 19, Ms. Sullivan observed upon her arrival at the facility, six children on the playground by the fence line (northwest end). The children were walking inside the fence, but close to the city side walk.

Ms. Sullivan also observed 4 children on the basket court.

No staff were present in either of these this area or within hearing distance of the children.

Ms. Sullivan observed and spoke to 3 staff who were standing under/near the outdoor playground equipment.

Ms. Sullivan asked staff who was providing supervision to the children by the fence line, and on the basketball court.

Ms. Sullivan asked two of the staff to provide supervision, stating that staff need to be able to see and hear the children by the fence line and basketball court

During a tour of the facility, Ms. Sullivan observed children going into the building and noticed that 2 children were still outside in the middle of the playground on the north side. The children were identified as being in the program and the program director informed staff to have the children come inside.

On April 24, at the follow-up visit, upon Ms. Sullivan's arrival, observed 5 children by the playground fence line unsupervised

Ms. Sullivan approached a staff who was coming from the area of the playground where the outdoor play equipment is located

Ms. Sullivan asked the staff who was supervising the children by the fence line, and the staff stated that this was her group of children in K-1st grade.

Ms. Sullivan informed the staff that she needed to be within sight and sound of the children when providing supervision.

Ms. Sullivan observed children on basketball court and soccer field area which is located close to school's portables (4).

Ms. Sullivan observed one of the children leave the soccer field and go behind the portable, while the staff were playing ball with the other children. The staff did not see the child go behind the portable.

Ms. Sullivan observed the child come from behind the portable, and informed the staff that the child was out of her line of vision.

I understand and agree that staff will always provide adequate and appropriate supervision to children at all times. Staff will be with or near children during outdoor play time. Staff will be within hearing distance of children during outdoor play time.

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

I understand that Children Services Licensing staff shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

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

This Agreement shall be effect for six months from the signing of the Agreement after which time the Agreement will be reviewed and terminated, extended and/or modified.


Should the Child Care Center license be amended because of change of address, this Agreement may transfer to the new address if appropriate to the conditions of the Licensing Agreement.


Owner/Licensee

Child Care Inspection Specialist

May 15, 2017
Date

Date


Non-Relative Witness OR Notary Public

5/15/17
Date



Division of Public Health, Licensure Unit
301 Centennial Mall South, 3rd Floor, P.O. Box 94986
Lincoln, NE 68509-4986
Phone (402) 471-2115 FAX (402) 471-3577

Division of Public Health

State of Nebraska
Dave Heineman, Governor

November 8, 2013

YMCA - ELLIOTT COMMUNITY LEARNING CENTER
Barbara Bettin, Licensee
2601 N. 70th Street
Lincoln, NE 68507

Dear Ms Bettin:

In accordance with the letter written by Kathee Sanchez, Child Care Licensing Supervisor, on November 8, 2013, your original License to operate a School Age Only 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 October 29, 2013, and it will remain in effect until April 29, 2014. Upon completion of this term, a new license will be issued to you.

At this time we ask that you return your current license, within the next seven (7) days, to Marsha Wandersee in the Licensure Unit. If you have any questions, please contact Children's Services Licensing at (402) 471-9302.

Sincerely,

A handwritten signature in dark ink, appearing to read "Helen L. Meeks".

Helen L. Meeks, Administrator
Licensure Unit

HLM/dcp

cc: Children's Services Licensing

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

State of Nebraska

Department of Health and Human Services
Division of Public Health

YMCA OF LINCOLN

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating School Age Only Child Care Center
located at: 225 SOUTH 25TH STREET Lincoln NE 68510

A maximum of 200 children in ages 5 YRS to 13 YRS may be in attendance at any one time during the
hours of 0800 to 1800 on MTWTHF

YMCA - ELLIOTT COMMUNITY LEARNING CENTER is hereby issued License No. SAOC8507
whose status is Active-Corrective Action Status effective from 10/29/2013
Amended: 10/29/2013

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
November 12, 2013.



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



Division of Public Health

State of Nebraska

Dave Heineman, Governor

November 8, 2013

Barbara Bettin- Licensee
YMCA of Lincoln
570 Fallbrook Blvd
Lincoln, NE 68521

CERTIFIED LETTER
11-8-13

Dear Ms. Bettin:

The Nebraska Department of Health and Human Services, Office Children's Services Licensing has received your letter and corrective action plan accepting Corrective Action Status. The attached corrective action plan has been reviewed and approved effective October 29, 2013 (please post this plan at your facility).

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. The license status will be in effect for a period of six (6) months from the date of approval.

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

If you have questions, please contact me at (402) 471-9193.

Sincerely,


Kathee Sanchez, Child Care Licensing Supervisor
Children's Services Licensing
1033 'O' Street, Suite 540
Lincoln, NE 68508

Cc:
Marvie Sullivan-Child Care Inspection Specialist
Marsha Wandersee-Administrative Assistant II



FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

October 18, 2013

Marvie Sullivan, Child Care Inspection Specialist
Children Services Licensing
Division of Public Health
1033 O Street, Suite 540
Lincoln, NE 68508

Dear Marvie,

Regarding the Corrective Action Plan corrections that we were asked to submit, please find a plan outlined below:

- #2 – Identify who will be responsible for the corrections and maintenance of compliance. The Program Director, Kristi Chambers, as well as the future Child Care Director, Micah Wullschleger, will be responsible for corrections and maintenance of compliance.
- #3 – Describe how you will ensure that children in care will not leave the premises (please provide examples of check-in/out documents, information more specific to the frequency of check in/out to be verified and send-in a copy of form/list to be used for documentation. Included in the original letter was this description of how we would ensure the children will not leave the premises.
 - It has been re-emphasized that check-out time is not play time, and sitting in class groups is enforced by all staff members.
 - Staff "floaters" will now be positioned at the exits and make sure that all students who are exiting are escorted by their parents or have gone through the proper sign-out process.

Not included in the first letter but included in the initial staff training (on 9/5/13):

- Staff will do an accountability check of children at each transition during the day.
- Staff will double check the sign out cards with the rosters.

Procedures that were already in place:

- Parents are required to come in and sign their child out unless they have given us approval to have that child sign themselves out and walk. Parents are greeted by a front desk person and then receive their child's card that they then deliver to the YMCA staff member who has their child. If there is someone trying to pick up a child who is not recognized, the front desk staff will check their ID and check the list to ensure that the person is allowed to pick up. The card then lets the staff member know that the parent has checked out at the desk and, if it is someone unfamiliar to the staff, that the front desk staff has made the appropriate contacts to ensure that this person is in fact an authorized escort.

In addition, please find attached these documents:

- Parent sign out form
- Attendance/Check in form
- Accountability Sheet (newly updated)


NORTHEAST YMCA
2601 N 70th
Lincoln, NE 68507-2772
ymca@lincoln.org



- #4 Describe any policy/procedure changes to ensure incident does not happen again (send-in a copy of the policy). Included in the original letter was this description of our policy changes:
 - "New-Student Packets" have been created by and designated as a role of one of the YMCA-Elliott CLC staff. The packet includes a letter to the new-student's school-day teacher as well as a letter to their after-school program staff-member notifying them that the student will be beginning in the YMCA after-school program.
 - Parents will now not only be notified by YMCA-CLC staff that their child will be starting in the program, but will be asked to come ten minutes earlier than regular check-out time on their child's first day to familiarize themselves with the YMCA program, the location of the office, the location of their child's classroom, and what the sign-out procedures are.
 - It has been re-emphasized that check-out time is not play time, and sitting in class groups is enforced by all staff members.
 - Staff "floaters" will now be positioned at the exits and make sure that all students who are exiting are escorted by their parents or have gone through the proper sign-out process.
 - In addition, please find attached these documents:
 - Signed training acknowledgements from staff that they had been trained in these new policies/procedures.
 - Copy of the new student packets.
 - Copy of "Sign In & Out Procedures for Licensed Programs" taken from the Employee Handbook
 - Copy of "Field Trip Procedures" taken from the Employee Handbook

If you have any other questions, please don't hesitate to contact me at (402) 436-1564 or by email at kchambers@ymcalincoln.org.

Sincerely,


Kristi Chambers
Program Director
YMCA CLC at Elliott

October 2, 2013

CERTIFIED MAIL

Barbara Bettin-Licensee
YMCA of Lincoln
570 Fallbrook Blvd.
Lincoln, NE. 68521
Center

RE: YMCA-Elliott Community Learning

Dear Ms. Bettin:

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

FACTS:

Barbara Bettin is the Licensee of the YMCA-Elliott Community Learning Center located at 225 S. 25th Street, Lincoln, NE 68510. On September 4, 2013, an incident occurred at this facility in which a school-age child left the center. Mom came to pick-up the child and staff could not find the child. The staff looked for the child and found the child walking along the street on the west edge of the school property.

REGULATORY BASIS:

391 NAC 4-006.01, #2 Licensee Qualifications: The licensee must maintain compliance with all applicable state statutes and school-age-only center regulations.

391 NAC 4-006.18 Supervision of Children: Adequate and appropriate supervision must be provided to children at all times children are in attendance, including during outdoor play. Ultimate responsibility for supervision rests with the licensee.

DETERMINING CORRECTIVE ACTION STATUS:

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 non-compliances with any rule or regulation does not present an unreasonable risk to the health, safety or well-being of children or staff;
and

(c) The licensee has a written plan of correction that has been approved by the Department.

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

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 following items must be included in your written Plan of Correction:

1. Identify the issues or concern;
2. Identify who is responsible for corrections and maintenance of compliance;
3. Describe how you will ensure that children in your care will not leave the premises without staff knowledge and appropriate supervision is maintained at all times.
4. Describe any changes in policies/procedures you have done to ensure this incident does not happen again.
5. Ensure that all staff will be re-trained on policies/procedures pertaining to supervision and documenting of children's whereabouts in writing (i.e. attendance log, sign in and out sheets, etc.)
6. All staff are required to attend and complete 2 hour training on providing adequate and appropriate supervision approved by the department within the next 60 days.

Please submit your written Corrective Action Plan to Marvie Sullivan, Child Care Inspection Specialist, Children's Services Licensing, Division of Public Health, 1033 O Street Suite 540 Lincoln, NE, 68508, 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 actions:

- (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 Marvie Sullivan-Child Care Inspection Specialist at 402-471-9274 or e-mail Marvie.sullivan@nebraska.gov.

Thank you.

Sincerely,



Kathee Sanchez, Child Care Licensing Supervisor
Children's Services Licensing
Division of Public Health
1033 O Street, Suite 540
Lincoln, NE. 68508

cc: Marvie Sullivan, Child Care Inspection Specialist
Marsha Wandersee, Administrative Assistant II