

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

September 11, 2018

PRIMROSE SCHOOL OF LEGACY
Gass Schools, Inc., Owner
Pamela M. Gass and Scott J. Gass, Owner Representatives
20707 Sheffield Street
Elkhorn, NE 68022

Dear Mr. and Mrs. Gass:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, on September 4, 2018, 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 August 31, 2018, and it will remain in effect until February 28, 2019. Upon completion of this term, a new license will be issued to you for Primrose School of Legacy to operate as a Child Care Center.

At this time we ask that you submit the current license of Primrose School of Legacy 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 Jo Pfeiffer, Child Care Licensing Supervisor, at (402) 595-3335.

Sincerely,

[Redacted Signature]
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

GASS SCHOOLS INC

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating **Child Care Center**
located at: **17440 WRIGHT ST Omaha NE 68130**

A maximum of **186** children in ages **6 WKS** to **12 YRS** may be in attendance at any one time during the hours of **0630** to **1830** on **MTWTHF**.

PRIMROSE SCHOOL OF LEGACY owned by **GASS SCHOOLS INC** is hereby issued License No. **CCC9416**

whose status is **Active-Corrective Action Status** effective from **08/31/2018**

Amended: **08/31/2018**

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
September 11, 2018.



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

August 9, 2018

CERTIFIED MAIL

Primrose School of Legacy
Owner: Scott and Pamela Gass
20707 Sheffield St.
Elkhorn, NE 68022

RE: License # CCC9416
17440 Wright St.
Omaha Ne. 68130

Dear Mr. and Mrs. Gass:

Nebraska Revised Statutes, section 71-1911 (4), of the Child Care Licensing Act provides that the department may place a license on 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 children or staff; and
- c) The Licensee has a written plan of correction that has been approved by the department.

Facts:

Through an investigation conducted on 6/22/2018, the Office of Children's Services Licensing substantiated that on June 13, 2018 a female child age 2 was left inside the child care center unattended for approximately 3 to 5 minutes without staff noticing the child was missing. A parent of another child found the child inside and brought the child to the playground.

Regulatory Basis:

3-006.19 Supervision of Children (page 34):

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.

Based on the facts presented above and the regulations violated, the department is placing your license on Corrective Action Status for a period of 6 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) concern;
2. Provisions for how you will correct and maintain compliance;
3. Specify the written documentation to be provided to the Department; (such as policies and procedures on outdoor and indoor supervision of children; checklists used to ensure that children

are accounted for at all times along with procedures on how children will be counted after transitions.

4. Provide checklist used to ensure that children are accounted for at all times along with procedures on how children will be counted after transitions
5. Identify who is responsible (include position titles) for corrections and maintenance of compliance; and
6. Timelines.

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., 3rd Floor, Omaha, NE 68102 or at Meghan.Brewer@nebraska.gov **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 the violation, 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 questions regarding this letter, please contact Child Care Inspection Specialist, Meghan Brewer, 402-595-1948 or me at 402-595-3335.

Sincerely,



Jo Pfeiffer, Child Care Licensing Supervisor
Office Children's Services Licensing
Nebraska Department of Health and Human Services
1313 Farnam St, 3rd Floor
Omaha, NE 68102

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



Primrose Schools®

The Leader in Educational Child Care®

**Primrose School
of Legacy**

August 21, 2018

On June 13, 2018, a Pre-Kindergarten student, age 4, was left unattended in the classroom because of improper name-to-face procedures conducted by classroom teachers.

Immediately after the incident, as a corrective plan of action, Assistant Director Katie Lincoln and I, Director Lauren Brummett, visited with all staff to re-train in proper face-to-name procedures. Through Primrose 360Connect, powered by Tadpoles, children are moved onto the playground, another classroom, etc. upon crossing the threshold of the door; we look at a child's name, their face, and then record their transition on the iPad via Tadpoles to ensure children are accounted for at all times. Current staff were retrained by Friday, June 15th and new staff undergo training in transitions and name-to-face procedures upon hire. In addition to Assistant Director Katie Lincoln and myself, Director Lauren Brummett, management team members Joni Clements, Office Manager, and Morgan Mills, Education Coach, are responsible for visiting classrooms throughout the day and inspecting our name-to-face procedures in order to ensure maintenance of compliance.

Attached is our school's Supervision of Children Procedure and Rationale.

Respectfully,

Lauren Brummett
Director





Primrose Schools®

The Leader in Educational Child Care®

Procedure: Supervision of Children

Teachers should directly supervise infants, toddlers, and preschoolers by sight and hearing at all times, even when the children are going to sleep, napping or sleeping, are beginning to wake up, or are indoors or outdoors. School-age children should be within sight or hearing at all times. Ratios should remain the same whether inside or outside.

Teachers should regularly count children (name to face on a scheduled basis, at every transition, and whenever leaving one area and arriving at another), going indoors or outdoors, to confirm the safe whereabouts of every child at all times. Additionally, they must be able to state how many children are in their care at all times. Teachers should use 360Connect to check students in/out throughout the day.

Follow the 360Connect Procedures:

- a) Taking Attendance & Transitioning Children
- b) Combining/Splitting of Classrooms (Opening/Closing Procedures)
- c) Maintaining Name-to-Face Recognition while Transitioning Children
- d) Checking In/Out Explorers Students

Developmentally appropriate child:staff ratios should be met during all hours of operation, including indoor and outdoor play and field trips, and safety precautions for specific areas and equipment should be followed. A school should not operate with fewer than two staff members if more than six children are in care, even if the group otherwise meets the child:staff ratio. Although schools often downsize the number of staff for the early arrival and late departure times, another adult must be present to help in the event of an emergency. Refer to the Staff Supervision of Children Policy.

RATIONALE:

Supervision is basic to safety and the prevention of injury and maintaining high-quality child care. To be available for supervision or rescue in an emergency, an adult must be able to hear and see the children. In case of fire, a supervising adult should not need to climb stairs or use a ramp or an elevator to reach the children. Stairs, ramps, and elevators may become unstable because they can be pathways for fire and smoke.

Children who are presumed to be sleeping might be awake and in need of adult attention. A child's risk-taking behavior must be detected and illness, fear, or other stressful behaviors must be noticed and managed.

The importance of supervision is not only to protect children from physical injury, but from harm that can occur from topics discussed by children or by teasing/bullying/inappropriate behavior. It is the responsibility of teachers to monitor what children are talking about and intervene when necessary.

Children like to test their skills and abilities. This is particularly noticeable around playground equipment. Even if the highest safety standards for playground layout, design and surfacing are met, serious injuries can happen if children are left unsupervised. Adults who are involved, aware, and appreciative of young children's' behaviors are in the best position to safeguard their well-being. Active and positive supervision involves:

- a) Knowing each child's abilities;



- b) Establishing clear and simple safety rules;
- c) Being aware of and scanning for potential safety hazards;
- d) Placing yourself in a strategic position so you are able to adapt to the needs of the child;
- e) Scanning play activities and circulating around the area;
- f) Focusing on the positive rather than the negative to teach a child what is safe for the child and other children;
- g) Teaching children the developmentally appropriate and safe use of each piece of equipment (e.g., using a slide correctly – feet first only – and teaching why climbing up a slide can cause injury, possibly a head injury).

Children are going to be more active in the outdoor learning/play environment and need more supervision rather than less outside. Playground supervisors need to be designated and trained to supervise children in play areas. Supervision of the playground is a strategy of watching all the children within a specific area and not engaging in prolonged dialog with any one child or group of children (or other staff).

Children need spaces, indoors and out, in which they can withdraw for alone-time or quiet play in small groups. However, program spaces should be designed with visibility that allows constant unobtrusive adult supervision. To protect children from maltreatment, including sexual abuse, the environment layout should limit situations in which an adult or older child is left alone with a child without another adult present.

Regular counting of children (name to face) will alert the staff to begin a search before the child gets too far, into trouble, or slips into an unobserved location.

Teachers should record the count in 360Connect, along with notations of any children joining or leaving the group. Teachers should do the counts before the group leaves an area and when the group enters a new area and about every fifteen minutes. The school should assign and reassign counting responsibility as needed to maintain a counting routine.

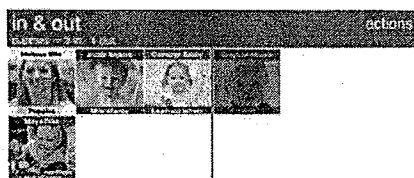
Teachers should be ready to provide help and guidance when children are ready to use the toilet correctly and independently. Teachers should make sure children correctly wash their hands after every use of the toilet, as well as monitor the bathroom to make sure that the toilet is flushed, the toilet seat and floor are free from stool or urine, and supplies (toilet paper, soap, and paper towels) are available.

Older preschool children and school-age children may use toilet facilities without direct visual observation but must remain within hearing range in case children need assistance and to prevent inappropriate behavior. If toilets are not within sight or hearing of a teacher, an adult should accompany children younger than five years of age to and from the toilet area.

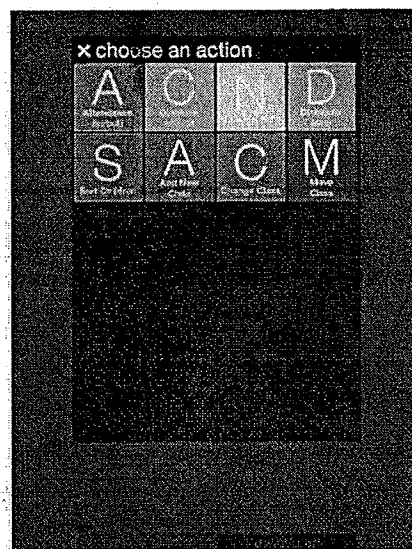
REFERENCES : *Caring for Our Children*, Chapter 2: Program Activities for Healthy Development, 2.2.0.1 Methods of Supervision of Children

See: Staff Supervision of Children Policy

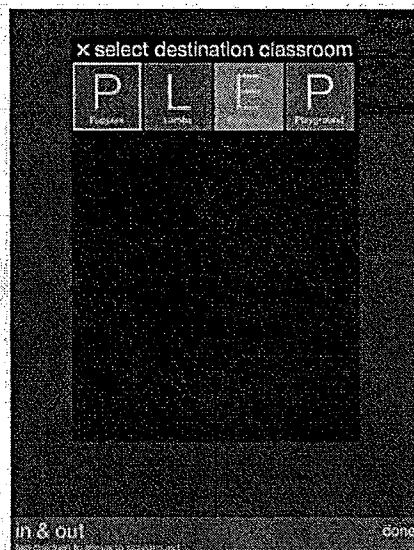
Rev: 11/17/2016



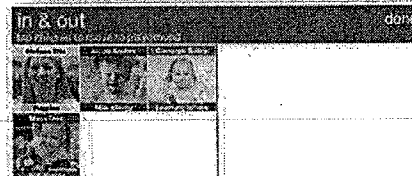
As seen in this demo, students appear on the Tadpoles digital roster. Teachers can choose to move and transition the class.



roster dashboard



Teachers select the destination (left) and then a name-to-face can be conducted as outlined in our procedure.



roster dashboard

A student is transitioned, physically and digitally on the roster (left), and the process continues for all students. Once all children have been transitioned, children are accounted for on the updated roster (right).





- b) Establishing clear and simple safety rules;
- c) Being aware of and scanning for potential safety hazards;
- d) Placing yourself in a strategic position so you are able to adapt to the needs of the child;
- e) Scanning play activities and circulating around the area;
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REFERENCES : *Caring for Our Children*, Chapter 2: Program Activities for Healthy Development, 2.2.0.1 Methods of Supervision of Children

See: Staff Supervision of Children Policy

Rev: 11/17/2016



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RATIONALE:

Supervision is basic to safety and the prevention of injury and maintaining high-quality child care. To be available for supervision or rescue in an emergency, an adult must be able to hear and see the children. In case of fire, a supervising adult should not need to climb stairs or use a ramp or an elevator to reach the children. Stairs, ramps, and elevators may become unstable because they can be pathways for fire and smoke.

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- a) Knowing each child's abilities;

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

September 4, 2018

Primrose School of Legacy
20707 Sheffield St.
Elkhorn Ne. 68022

Dear Mr. and Mrs. Gass:

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 8/31/2018.

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, 8/31/2018 until 2/28/2019.

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,

[Redacted Signature]
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

July 20, 2015

PRIMROSE SCHOOL OF LEGACY

Pamela and Scott Gass, Owners

20707 Sheffield Street


Elkhorn, NE 68022

Dear Mr. & Mrs. Gass:

In accordance with the letter written by Jo Pfeiffer, Child Care Licensing Supervisor, dated July 15, 2015, 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 February 26, 2015, and it will remain in effect until August 26, 2015. Upon completion of this term, 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 Children's Services Licensing at (402) 471-9302.

Sincerely


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

BW/dcp

cc: Children's Services Licensing

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

State of Nebraska

Department of Health and Human Services
Division of Public Health

GASS SCHOOLS INC

is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: 17440 WRIGHT ST Omaha NE 68130

A maximum of 186 children in ages 6 WKS to 12 YRS may be in attendance at any one time during the hours of 0630 to 1830 on MTWTHF.

PRIMROSE SCHOOL OF LEGACY owned by GASS SCHOOLS INC is hereby issued License No. CCC9416

whose status is Active-Corrective Action Status effective from 02/26/2015

Amended: 02/26/2015

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 20, 2015.



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

July 15, 2015

Primrose School of Legacy
15902 Patrick Ave.
Omaha, Ne. 68116

Attn: Mr. and Mrs. Gass

Dear Mr. and Mrs. Gass:

The Department of Health and Human Services, Office of Children's Services Licensing, received your corrective action plan on February 26, 2015. Your corrective action plan received on February 26, 2015 has been approved effective February 26, 2015, and is attached. Your Corrective Action Status will be effective until August 26, 2015.

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

Compliance with the terms of the Corrective Action Status will be monitored by 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 any questions, please contact Meghan Brewer at 402-595-1948 or Jo Pfeiffer at 402-595-3335.

Sincerely,

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

/mm

cc: Gina Ewing, Staff Assistant II
Meghan Brewer, Child Care Inspection Specialist

Marsha Wandersee, Administrative Assistant II

Policy: STAFF SUPERVISION OF CHILDREN

Proper supervision of children in our care, including ancillary activities, requires the following from teachers:

- **Being aware of the children in their care at all times** through sight or hearing and close enough to intervene if necessary.
- **Never leaving children unattended.** The only exception is for children four years of age and older who may go to the restroom without supervision while they are in the restroom (check state regulations). However, even in that instance, the teacher does not allow a child to leave the group unattended to go to the restroom – from the playground to the classroom or from one classroom to another, etc. Teachers should not “send” a child to the office to relay a message, take the head count, etc.
- **Knowing exactly how many children are present at all times - whether in the classroom, on the playground, or in ancillary activities, - and who those children are.** Match the child's name to the child's face as an accurate number count may not be sufficient to ensure the right number represents the right children. For instance, a parent may bring a child into the classroom or onto the playground and another parent may pick up a child. The number remains the same, but the children representing that number are different.
- **Conducting proper head counts.** If someone taking a head count asks the teacher for a number of children and the teacher has to stop and count, there is no way to ensure that a child is not missing. An example of a correct answer to the question of how many children a preschool teacher has would be, “I have 12 total present, 11 at tables and in centers and Sam is in the restroom” (and that child in the restroom would be in her view). That is how specific teachers must be in their knowledge of who is in the classroom as that is the only way to ensure all children have been accounted for.
- **Using the roll sheet to conduct head counts.** It is extremely important to use the roll sheet to check children in as they arrive and out as they leave or to conduct head counts, whether in the classroom, on the playground, or in ancillary activities.

At no time does Primrose Schools relinquish its responsibility for children in our care. A staff member must be present at all times during ancillary activities, at school or off campus. If the ancillary activity is off campus, it must be treated as a field trip. A release waiver signed by a parent is not recognized as a Primrose document and therefore may not be used. Management team members must ensure teachers are aware of what the student to teacher ratios and groups sizes are for their school. In most cases, Primrose ratios exceed the state requirements and must be followed at all times, unless state ratios are more restrictive.

February 17, 2015

CERTIFIED MAIL

Primrose School of Legacy,
17440 Wright St.
Omaha Ne. 68130

Dear: Mr. and Mrs. Gass

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

FACTS:

On 7/23/2014, a 2 ½ year old toddler was left outside for approximately 5 minutes. Director Amy Ekeler notified the department on July 23, 2014 stating that a child was left out on the playground unattended, and that an ex-employee who was attending a fund raiser at the school noticed the child outside unattended and brought the child back into the center.

REGULATORY BASES:

391 NAC 1-006.12 Supervision of Children

Adequate and appropriate supervision must be provided to children at all times children are in attendance, including during outdoor play. Ultimate responsibility for supervision rests with the licensee.

DETERMINING CORRECTIVE ACTION STATUS:

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

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

Based on the facts presented above and the regulations violated, the department is placing your operating license on Corrective Action Status for a period of six (6) months.

CORRECTIVE ACTION STATUS: PLAN OF CORRECTION

Corrective action status is voluntary and the decision regarding the placement on corrective action status is not appealable. However, you are required to submit a written Plan of Correction that must be approved by the department.

Your written plan of correction must:

- 1) Identify the issue(s) of concern
- 2) Identify who is responsible for corrections and maintenance of compliance
- 3) Include timelines; and
- 4) Specify the documentation to be provided to the Department.
- 5) Plan should include provision for providing adequate and appropriate supervision at all times children are in care at your program. Plan should specifically address appropriate supervision during outside activities, transition periods, and documentation for name to face checks
- 6) Plan should include written procedures to ensure all children are supervised at all times while in your care.

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, 1801 North 73rd Street, Omaha, NE 68114 **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 effective date of finding violation, for each day the program is in violation;
- (d) Establish restrictions on new enrollment of the program;
- (e) Establish restrictions or other limitations on the number of children, or the age of the children served in this program; or
- (f) Establish other restrictions or limitations on the type of service provided by the program.

If you have questions regarding this letter, please contact 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
Children's Services Licensing
1801 North 73rd Street
Omaha, NE 68114

Cc: Meghan Brewer, Child Care Inspection Specialist
Marsha Wandersee, Administrative Assistant II
Bob Cummings, Resource Development, Contract Management Division