



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

IN THE MATTER OF:)
THE OPERATING CHILD CARE CENTER) **LICENSING**
LICENSE OF FOUNDATIONS PROGRESSIVE) **AGREEMENT**
LEARNING CENTER OWNED BY)
FOUNDATIONS PROGRESSIVE LEARNING CENTER, INC)

LICENSED LOCATION: 3100 N. 14TH ST. LINCOLN, NE 68521
LICENSE NUMBER: CCC9480
CAPACITY: 28
AGES: 2 YEARS TO 7 YEARS
HOURS AND DAYS: 6:30 AM TO 6:00 PM MONDAY THROUGH FRIDAY

I, Travis Manley, hereby state and declare:

1. I am the licensee of the above-mentioned childcare program.
2. I have read, understand and agree to comply with all the Regulations Governing Licensure of Child Care Centers, Title 391, as long as I am licensed by the State of Nebraska to provide child care services. Specifically,

391 NAC 3-007.05 Fire Safety: The Licensee must maintain fire safety approval at all times.

391 NAC 3-007.06 Sanitation: The Licensee must maintain sanitation approval at all times.

3. I understand that this agreement is based on the fact that the license of the above named program had their Certificate of Compliance suspended from June 3, 2019, at 6:00PM to June 5, 2019, at 6:30AM by the Lincoln-Lancaster County Health Department for violating the Lincoln Municipal Child Care Code.

4. I understand and agree with the following:

- A. The program will be in compliance with ALL regulations during operating hours.
- B. This Agreement will be prominently posted with the current license so it is clearly visible to parents and Department representatives.
- C. That the OCSL shall conduct announced or unannounced visits to my facility to determine compliance with this Agreement.

5. Any violation of this Agreement may be grounds for further negative action or discipline.

6. This Agreement shall be in effect for one year after the signature date. Should the license be amended because of a change of address, this Agreement may transfer to the new address if appropriate to the conditions of this Licensing Agreement.

[Redacted Signature]

Licensee/Registered Agent

6/10/2019
Date

[Redacted Signature]

Child Care Inspection Specialist
Jehan Balliet

6-10-19
Date

OR

Notary or Non-relative Witness

Date

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

October 18, 2017

FOUNDATIONS PROGRESSIVE LEARNING CENTER
Travis Tagert and Samuel McCarter, Licensee
3100 N. 14th Street, Suite #101
Lincoln, NE 68521

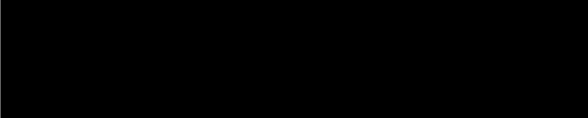
Dear Mr. Tagert and Mr. McCarter:

In accordance with the letter written by Kathee Sanchez, Child Care Licensing Supervisor, on October 13, 2017, 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 October 13, 2017, and it will remain in effect until April 13, 2018. 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: Rita Krusemark, 301 Centennial Mall South, Lincoln, NE 68509-4986.

If you have any questions, please contact Kathee Sanchez, Child Care Licensing Supervisor, at (402) 471-9193.

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

FOUNDATIONS PROGRESSIVE LEARNING CENTER, INC
is hereby authorized in compliance with laws of the State of Nebraska to establish and conduct an
Operating Child Care Center
located at: **3100 NORTH 14TH STREET, SUITE 101 Lincoln NE 68521**

A maximum of **28** children in ages **3 YRS** to **6 YRS** may be in attendance at any one time during the hours of **0630** to **1800** on **MTWTHF**.

FOUNDATIONS PROGRESSIVE LEARNING CENTER is hereby issued License No. **CCC9480**
whose status is **Active-Corrective Action Status** effective from **10/13/2017**

Amended: 10/13/2017

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
October 20, 2017.



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

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

October 13, 2017

Foundations Progressive Learning Center
Attn: Travis Tagert and Samuel McCarter
3100 North 14th Street, Suite 101
Lincoln NE 68521

Dear Mr. Tagert and Mr. McCarter;

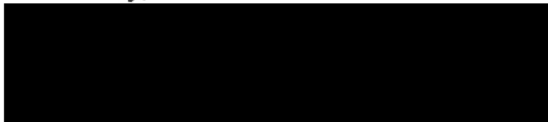
The Nebraska Department of Health and Human Services, Office of Children's Services Licensing received your corrective action plan accepting Corrective Action Status. The attached corrective action plan has been reviewed and approved effective October 13, 2017. (Please post this plan at your facility).

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 from the date of approval, October 13, 2017 to April 13, 2018.

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 regarding this letter, please contact me.

Sincerely,



Kathee Sanchez
Child Care Licensing Supervisor
301 Centennial Mall South
PO Box 94986
Lincoln, NE 68509-4968
Phone (402) 471-9193 FAX (402) 471-6407
kathee.sanchez@nebraska.gov

cc:
File
Rita Krusemark – Program Specialist



Kathee Sanchez
Child Care Licensing Supervisor
Department of Health & Human Services
Office of Children's Services Licensing

To Whom It May Concern:

I am writing you to address concerns outlined in the letter dated October 4, 2017 in which the Nebraska Department of Health & Human Services placed our program on corrective action status in response to inspections in which representatives observed unintentional noncompliance on our part.

Our outdoor play area, being in a high traffic area in Lincoln, is often subject to loitering and littering by the public. We know that trespassing occurs nightly on our playground and there isn't very much we can do about it as it continues even when the gate is locked.

Previously, we would have a teacher inspect the outdoor area and remove garbage or items that had been broken overnight/over the weekend. Surprise inspections that happen before we are able to make it outside for the day most definitely resulted in several issues of which staff had not been aware.

That said, we understand that not having been outside yet or overlooking smaller items does not in any way waive our responsibility to ensure that all facilities, indoor and outdoor, are compliant at all times from the minute we open our doors. For this reason, I have implemented a checklist using DHHS regulations' verbiage (attached) in which the opening teacher will walk the grounds of the playground every operating day of the week and ensure any damages from trespassers or garbage from passers-by are removed from the outdoor area.

This checklist, including the names and titles of the teachers performing the checklist, will be faxed to the department on a monthly basis during the terms of the corrective action status by the fifth (5th) day of each month. This checklist will generally be performed by director Nicole Nessetti or teacher Amanda Jonas as openers, but they may be substituted based on scheduling. It is my sole responsibility, as licensee, to send this list to the department and ensure that it is delivered.

Regarding indoor environmental issues, we covered the part of the carpet that was frayed as directed by inspection specialist Marvie Sullivan and the hole in the wall had been created just moments before and has since been patched. Among our capital items for the last quarter of 2017, we will be replacing the flooring in the classroom area all together. At this time, we do not have any broken items in our indoor facility and simply discard any that do get broken on an immediate basis.

Regards,
Travis Tagart
Licensee, Foundations Progressive Learning Center

ATTN: KATHIE SANCHEZ

PLAYGROUND CHECK FOR WEEK STARTING ___ / ___ / ___

Daily Playground Checklist (To Be Completed at 6:30am)	Mon.	Tues.	Wed.	Thur.	Fri.
Any protruding hardware removed from fence?					
All trash removed from grounds?					
All items with cracks or frays removed?					
Structures away from high-traffic areas?					
Sufficient woodchip coverage? (6 inches)					
All possible hazards and perceivable hazards removed?					
Shade securely anchored, no protruding hardware?					
Stagnant or standing water removed?					
Woodchips swept or blown from concrete?					
Concrete blocks secure away from traffic area?					
Materials all in good repair?					

NOTES:

FOUNDATIONS STAFF:
PERFORM CHECK DAILY AND INITIAL ITEMS COMPLETED. MUST BE COMPLETED AT OPENING EVERY DAY. FAX ALL FORMS TO 402-471-7763

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

October 4, 2017

Certified Mail and Regular Mail

Foundations Progressive Learning Center
Attn: Travis Tagert and Samuel McCarter
3100 North 14th Street, Suite 101
Lincoln NE 68521

Dear Mr. Tagert and Mr. McCarter;

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 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.

On August 25, 2017 Child Care Inspection Specialist Justin Waddell conducted an unannounced complaint inspection to your facility located at 3100 N 14th Street, Suite 101, Lincoln NE license number CCC9480. CCIS Waddell noted at the time of the inspection that the play area was not in compliance with child care regulations. He observed broken plastic toys, wood boards rotten and broken, and chipping paint under the window. He also observed hook and screws sticking out of the fence, as well as an eyelet screw hanging from the cover over a portion of the play area.

The Department became aware that the Lincoln Lancaster Health Department had issued a warning on August 9, 2017 regarding the facility due to dangling ropes and a garden hose on the fence, which posed a strangulation hazard. The Environmental Health Specialist stated 'By 8/16/17 – Remove all trash, any broken boards, cement or block pieces, clean up the play ground, enlarge drain holes in tires, rusted can.'

On April 5, 2017 Child Care Inspection Specialist Lori Pflanz conducted an unannounced complaint inspection to the same facility. She noted on her review that there were Housekeeping and Maintenance and Environmental Safety issues, which were identified during inspection visits conducted in March 2017.

On March 20, 2017 and March 29, 2017 Child Care Inspection Specialist Marvie Sullivan (Sullivan) conducted an unannounced semi annual inspection and observed frayed carpet, a hole in the wall along with litter and debris. She identified there were broken toys which were to be removed and all protruding nails and screws in the wooden fence needed to be removed or nailed/screwed down.

On March 28, 2017 Sullivan noted protruding screws on a play board attached to the fence.

391 NAC 3-006.01 Licensee Requirements: The licensee must:

1. Ensure that the center is administered and managed appropriately;
2. Maintain compliance with all applicable state statutes and child care center regulations;
5. Ensure that the center has sufficient resources to provide a safe, healthy, and nurturing environment to all children enrolled in the center.

391 NAC 3-006.02 Director Requirements:

The director is responsible for managing the day-to-day operations of the child care center. The director must report to the licensee all matters related to the maintenance, operation, and management of the child care center and be directly responsible to the licensee or to a person delegated governing authority by the licensee. The director must:

1. Be responsible for the center's compliance with rules and regulations;

391 NAC 3-006.31A Housekeeping and Maintenance: The licensee must ensure that the necessary housekeeping and maintenance are provided to protect the health and safety of children in care. The center and grounds must be kept clean, safe, and in good repair.

1. The center and any building on the premises in or around areas where children are present must be kept free of exposed lead-based paint surfaces that are flaking, peeling, or chipped.

391 NAC 3-006.32 Environmental Safety: The licensee is responsible for maintaining a safe and hazard-free environment to protect the health and safety of children in care.

391 NAC 3-006.32E Other Environmental Safety Requirements

1. Surfaces must be smooth and free of sharp edges, mold, or dirt, and the environment must be kept free of other conditions which may pose a potential risk.

391 NAC -007.03 Fenced Outdoor Play Area: When care is provided to children between the ages of six weeks and school-age, the licensee must ensure that a fenced outdoor play area is available. The area must:

5. Be kept clean and safe and contain no accident hazards, debris, or stagnant water;

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 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 concern;
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.

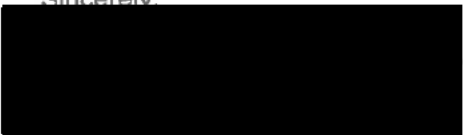
Please submit your written Plan of Correction to Kathee Sanchez, Child Care Licensing Supervisor, Nebraska Department of Health and Human Services, Office of Children's Services Licensing, 301 Centennial Mall South, PO Box 94986, Lincoln NE 68509-4986.

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 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 any questions regarding this letter, please contact me. Contact information is below.

Sincerely,



Kathee Sanchez
Child Care Licensing Supervisor
301 Centennial Mall South
PO Box 94986
Lincoln, NE 68509-4968
Phone (402) 471-9193 FAX (402) 471-6407
kathee.sanchez@nebraska.gov

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File

Rita Krusemark – Program Specialist