

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

January 27, 2021

CERTIFIED MAIL

ROSEWOOD ACADEMY
owned by ROSEWOOD ACADEMY INC
3830 No 176th Street
Omaha NE 68116

Dear Carl and Kelli Hansen:

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:

On 12-22-20, Child Care Inspection Specialist, Tammy Reeves conducted a joint complaint investigation with [REDACTED] and substantiated that more than one staff person witnessed inappropriate behavior by a staff towards children in care. Staff brought it to management's attention with little or no response or ongoing concern or monitoring of that information by management or licensees. Violations of the below listed regulations were substantiated.

REGULATORY BASIS:

391 NAC 3-006.20A Prohibited Forms of Discipline #1, #9, #16:

The following actions are prohibited as a form of punishment:

1. Spanking
9. Handling roughly

391 NAC 3-006.01 #1 & 2, 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.

391 NAC 3-006.02, #1 & 8, 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
8. Ensure that center staff identify and review incidents, accidents, complaints, and concerns, and monitor patterns and trends in overall operation and take action to alleviate problems.

391 NAC 3-003.05B, Corrective Action Status (page 11):

The Department may place a provisional or operating license on corrective action status for up to six months if:

1. The licensee is unable to comply with all licensure requirements and standards or has a history of noncompliance;
2. The effect of noncompliance with any rule of regulation does not present an unreasonable risk to the health, safety, or well-being of children or staff; and
3. 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 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;
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 Tammy Reeves, 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 **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, Tammy Reeves, 402-616-0041 or Child Care Licensing Supervisor, Jo Pfeiffer, 402-595-3335.

Sincerely,

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

cc: Tammy Reeves, Child Care Inspection Specialist
Resource Development/Dhhs.rdccsubsidy@nebraska.gov
Office of Children's Services Licensing, Central Office



Rosewood Academy

Childcare and Preschool

Rosewood Academy
3830 N. 176th Street
Omaha, NE 68116
(402) 932-3545

Plan of Correction:

1. Identification of Issue(s) concern:

We identify the issues of concern. They entail spanking, handling roughly, and threats of physical punishment. The other issues that were brought to our attention was the management's handling of the situation and conversing with the staff as to how the issue will be handled.

2. Provisions for how you will correct and maintain compliance:

We are going to have an all staff meeting on March 4th. During this meeting we will discuss ways to ask for help before getting too frustrated with a child, how to report an incident to management, and different ideas to keep the kids in the classroom engaged and entertained. We will also discuss how management handles situations after concerns are reported to us, so that each employee knows their concerns are heard and handled in a timely manner.

██████ is no longer employed here.

The Director will be in contact with the licensee daily on matters pertaining to the center to make sure they are always aware of the issues going on.

3. Specific Documentation

Meeting Itinerary and Sign in Sheet sent in

The director will be keeping a daily log on excel with the date, time and topics of conversation between the Director and the Licensees.

4. Identify who is responsible for corrections and maintenance of Compliance:

1. ██████████ (Licensees)
2. ██████████ (Director)
3. ██████████ (Center Coordinator)
4. ██████████ (Staff Coordinator)

5. [REDACTED] (Older Infant A Assistant Teacher)

5. Timelines:

- The Director will conduct a staff meeting on March 4th.
- The Director will contact the licensee daily over the lunch hour to let them know of the issues going on in the center.

Sarah Poulicek

Director

March 4th Meeting

Management is Here to Help:

- Having a hard time with a child in your class
- Need ideas to make circle time more fun.
- Need ideas to help the classroom run more smoothly
- A friend is having a hard day because their older sibling is at home with mom.

If management comes into your room,

- We are there to help and offer assistance.
- We are not making notes and judging everything that you are doing.
- When we are in your room, that is the time to ask questions and pick our brain. Be open to new ideas and let us know if you've already tried our new idea 27 times and it doesn't work.
- Sometimes we come into the classroom just to be with the kids.
 - o It is the best thing to do after talking with an angry employee or handling an issue with an angry parent, etc.

We are also here for those hard times,

- If you need a break and need to walk around a catch breath.
- You need to talk to us before you get too frustrated, because unfortunately we cannot read your mind. We can only fix what we know. If you tell us everyday that everything is fine, but you go home crying and upset. All we know is everything is fine, but you actually hate coming to work each day.
- This does not mean that you are weak or seen as not capable. Knowing your boundaries and knowing when to ask for help are adult qualities. You cannot do it all in any aspect of life. There are people here to help, let us help you.
- If you don't like your classroom, you need to let us know. We can look into changing classrooms, it just won't be something that can be changed tomorrow. We have to find your replacement and get them trained, so it may take up to two weeks. Be patient with us and we will help you.

Anytime you talk with the children, it needs to be a calm and collected tone.

- A lot can be accomplished from a whisper in the ear.
- Always look for the one child who is listening and praise them like crazy
- Children will react to whatever type of attention you give them. If they get attention from you for making sad choices and not listening first time, they will keep doing it. If you ignore that child and praise the two children who listened first time asked, let them line up first, let them be the meal helper, etc. kids will strive for that attention as well.
- It is easier to give negative attention, noticing the positive takes practice, but its worth the practice.
- You will leave here feeling better about the job that you do and it will allow you to have more fun and build more positive relationships with the kids.

How to Report an Incident to Management:

- Do you know we can go back and look to see who bit a child or what happened between two friends that ended up in a scratch on a face. We have the ability to rewind the cameras and see these things, if you didn't see the incident or don't know what happened. Please let us help you if this ever happens so that the incident report can be filled out as accurately as possible.
- We work with children, and our job first is to protect the children we work for and provide a safe learning environment for them. That environment includes your coworkers.
 - o If something happens between a child and a co-workers that makes you feel uneasy or that you know in your heart that wasn't the right way to handle a situation, report it to management immediately. Tell your coworker you need to go to the restroom and come up to the front desk. Let us know what happened and what time it happened and we will go back on the cameras and immediately look at it.
 - o Your coworkers see your every interaction with a child and so does management with the help of the cameras
 - Children should always be in sight of the cameras. Do not take them to "discipline" out of sight of the cameras. If this happens, it will be reason for immediate termination.
 - o Every report of every incident is taken extremely seriously. I know that for you, this may not be the job that you will have for the rest of your life, but to me and my extended family Rosewood Academy puts a roof over my head, food on my kids tables, etc. If I don't handle every situation and keep this center operating as safe as possible, my parents lose their house. I lose my job, my sister loses her job, my sister-in-law loses her job, my girls are out of a school and will miss their friends, as well as my 3 nieces. My family and I have a lot on the line every single day that Rosewood Academy is open and operating. With that being said, please know that every concern is taken seriously and is handled accordingly, however management cannot tell you exactly how it was handle or what we did to resolve the situation. There are many laws that prohibit this and put emphasis on the privacy of the individual that was involved.

NEBRASKA

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DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

February 22, 2021

Carl and Kelli Hansen
Rosewood Academy-Elkhorn
3830 N. 176th St.
Omaha, NE 68116

Dear Mr. and Mrs. Hansen:


The Nebraska Department of Health and Human Services, Office of Children's Services Licensing received your Plan of Correction. The attached corrective action plan has been reviewed and approved effective 2-17-21.

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, 2-17-21 to 8-17-21.

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 Tammy Reeves, Child Care Inspection Specialist at 402 616-0041 or me.

Sincerely,


Jo Pfeiffer, Child Care Licensing Supervisor
Office Children's Services Licensing
Nebraska Department of Health and Human Services
1313 Farnam, 3rd floor
Jo.pfeiffer@nebraska.gov, 402 595-3335

cc:

Tammy Reeves, Child Care Inspection Specialist
Resource Development/Dhhs.rdccsubsidy@nebraska.gov
Office of Children's Services Licensing, Central Office

Helping People Live Better Lives