



**MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
OFFICE OF CHILDHOOD - CHILD CARE COMPLIANCE
COMPLAINT INVESTIGATION OF
SUBSTANTIATED STATUTE OR RULE VIOLATIONS**

DATE OF REPORT
3/7/2023

DVN
002075972

FACILITY NAME

WESTBROOK ACADEMY CHILD CARE & LEARNING CENTER, LLC

FACILITY ADDRESS

4045 JEFFCO BLVD

CITY

ARNOLD

ZIP CODE

63010-4213

PHONE NUMBER

(636) 467-9000

COUNTY

JEFFERSON

ASSIGNED SPECIALIST

GRAHAM, JESSICA

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.102(1)(K)

The child care provider shall ensure that within seven (7) days of employment or volunteering and before being left alone with children that caregivers receive a facility orientation. The facility orientation shall include:

5 CSR 25-500.102(1)(K)1.

A tour of the facility, indoors and outdoors; and

5 CSR 25-500.102(1)(K)2.

A review of the following:

5 CSR 25-500.102(1)(K)2.A.

Licensing rules;

5 CSR 25-500.102(1)(K)2.B.

The facility's license and its limitations, if any;

5 CSR 25-500.102(1)(K)2.C.

The facility's written child care practices, including procedures for medication administration, child illness, discipline, and guidance policies;

5 CSR 25-500.102(1)(K)2.D.

The daily schedule;

5 CSR 25-500.102(1)(K)2.E.

The assigned duties and responsibilities of staff;

5 CSR 25-500.102(1)(K)2.F.

The names and ages of the children for whom the staff member will be responsible, including any special health, nutritional, or developmental needs;

5 CSR 25-500.102(1)(K)2.G.

The location of children's records;

5 CSR 25-500.102(1)(K)2.H.

The facility's safe sleep policy, if applicable;

5 CSR 25-500.102(1)(K)2.I.

The facility's disaster emergency plan and the location of emergency information; and

5 CSR 25-500.102(1)(K)2.J.

The mandated responsibility to report any suspected child abuse or neglect to the Children's Division at the toll-free number 1-800-392-3738 or online at <https://apps.dss.mo.gov/OnlineCanReporting/default.aspx>.

5 CSR 25-500.102(1)(L)

The child care provider shall ensure that documentation of caregiver completion of the facility orientation is maintained and on file for review by the department.

5 CSR 25-500.102(1)(N)

Child care staff members shall have qualifying background screening results on file as required by 5 CSR 25-600.020 General Requirements.

5 CSR 25-500.102(1)(P)

The child care provider shall conduct a Family Care Safety Registry screening prior to employment for any newly hired child care staff member who has a qualifying criminal background check result.

5 CSR 25-500.222(6)

Daily staff and volunteer attendance records shall be maintained and kept on file a minimum of one (1) year.

CONCLUSION SUMMARY

On March 13, 2023, Compliance Inspector (CI) Jessica Graham investigated the allegation that a staff member worked at the facility for over a month. Staff member was not fingerprinted and did not have a background screening or any paperwork on file. This allegation is substantiated based on the following rule violations.

5 CSR 25-500.102(1)(K) which states: "The child care provider shall ensure that within seven (7) days of employment or volunteering and before being left alone with children that caregivers receive a facility orientation. The facility orientation shall include:"

AND

5 CSR 25-500.102(1)(K)1. which states: "A tour of the facility, indoors and outdoors; and"

AND

5 CSR 25-500.102(1)(K)2. which states: "A review of the following:"

AND

5 CSR 25-500.102(1)(K)2.A. which states: "Licensing rules;"

AND

5 CSR 25-500.102(1)(K) 2.B. which states: "The facility's license and its limitations, if any;"

AND

5 CSR 25-500.102(1)(K)2.C. which states: "The facility's written child care practices, including procedures for medication administration, child illness, discipline, and guidance policies;"

AND

5 CSR 25-500.102(1)(K)2.D. which states: "The daily schedule:"

AND

5 CSR 25-500.102(1)(K)2.E. which states: "The assigned duties and responsibilities of staff;"

AND

5 CSR 25-500.102(1)(K)2.F. which states: "The names and ages of the children for whom the staff member will be responsible, including any special health, nutritional, or developmental needs;"

AND

5 CSR 25-500.102(1)(K)2.G. which states: "The location of children's records:"

AND

5 CSR 25-500.102(1)(K)2.H. which states: "The facilities' safe sleep policy, if applicable;"

AND

5 CSR 25-500.102(1)(K)2.1. which states: The facility's disaster emergency plan and the location of emergency information, and"

AND

5 CSR 25-500.102(1)(K)2.J. which states: " The mandated responsibility to report any suspected child abuse or neglect to the Children's Division at the toll-free number 1-800-392-3738 or online at <https://apps.dss.mo.gov/OnlineCanReporting/default.aspx>."

AND

5 CSR 25-500.102(1)(N) which states: "Child care staff members shall have qualifying background screening results on file as required by 5 CSR 25-600.020 General Requirements."

AND

5 CSR 25-500.102(1)(P) which states: "The child care provider shall conduct a Family Care Safety Registry screening prior to employment for any newly hired child care staff member who has a qualifying criminal background check result ."

On March 13, 2023, Jennifer Westbrook, director, stated that Brandy Faulkner was a new employee that worked at the center for about two weeks. She did not have all her paperwork on file while she was working including not having an eligible letter or new employee orientation.

5 CSR 25-500.222(6) which states: "Daily staff and volunteer attendance records shall be maintained and kept on file a minimum of one (1) year."

Jennifer Westbrook, director, stated that she shredded staff Brandy Faulkner's file after she stopped working at the facility.

VIOLATION(S)

5 CSR 25-500.182(1)(C)3.

Only constructive, age-appropriate methods of discipline shall be used to help children develop self-control and assume

responsibility for their own actions.

5 CSR 25-500.182(1)(C)5.

Brief, supervised separation from the group may be used based on a guideline of one (1) minute of separation for each year of the child's age.

5 CSR 25-500.182(1)(C)8.

No discipline technique which is humiliating, threatening, or frightening to children shall be used. Children shall not be shamed, ridiculed, or spoken to harshly, abusively, or with profanity.

CONCLUSION SUMMARY

On March 13, 2023, Child A, age 5-years-old is placed in a highchair when he hits and kicks by staff, Heather, Sam, Abby and Jen. Child A is to stay in the highchair until he calms down. This occurs on a daily basis. Child A is usually in the highchair for two hours.

5 CSR 25-500.182(1)(C)3. which states: "Only constructive, age-appropriate methods of discipline shall be used to help children develop self-control and assume responsibility for their own actions."

AND

5 CSR 25-500.182(1)(C)5. which states: "Brief, supervised separation from the group may be used based on a guideline of one (1) minute of separation for each year of the child's age."

AND

5 CSR 25-500.182(1)(C)8. which states: "No discipline technique which is humiliating, threatening, or frightening to children shall be used. Children shall not be shamed, ridiculed, or spoken to harshly, abusively, or with profanity."

On March 13, 2023, caregivers Heather Mini, Samantha Murphy and director Jennifer Westbrook all agreed that Child A had been placed in a highchair. Jennifer found out that the caregivers had taken a highchair from the infant room and put it in the preschool room to use for Child A when they needed him to be contained. When she found out this was happening, she addressed it immediately with the staff and removed the highchair from the room.

Samantha and Heather said that Child A was in the highchair for maybe ten minutes at a time. They would give him toys to play with while he was sitting in the chair. After being told by Jennifer that they could not use the seat, they have not put Child A in the highchair anymore.

CI Graham contacted Parent A and she was not aware that Child A was being placed in a highchair. Child A had recently started having fits at the daycare and she was not sure why. The staff would call her daily to go and pick up Child A. Child A does not have a medical diagnosis for any developmental issues and there is no written instruction for putting him in a highchair.

Child A is nonverbal.

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall notify all staff members of the violations which were substantiated, and specify the actions to be taken by all staff in order to comply with all licensing violations cited. A copy of the memo, letter, or staff meeting agenda(s) shall be submitted to the Office of Childhood."	No	
CORRECTIVE MEASURE The facility shall ensure that all employees have a comprehensive background screening completed prior to a person's employment and/or presence within the child care facility. The comprehensive background screening must include verification of fingerprinting of the individual and a requested screening via the Family Care Safety Registry. The facility shall submit a signed statement agreeing to ensure this requirement is followed. A copy of the signed statement shall be provided to the Office of Childhood.	No	
CORRECTIVE MEASURE All staff and volunteers of Westbrook Academy Child Care & Learning Center, LLC must obtain one clock hour of training approved by the the Office of Childhood, on age appropriate discipline. The training must be held by an approved and qualified source, outside of the Westbrook Academy network. Training may be obtained from the Missouri Workshop Calendar. The training calendar can be found at http://www.moworkshopcalendar.org/ . Verification of training completion shall be from the Open Initiative Toolbox report.	No	
CORRECTIVE MEASURE The facility shall develop a plan to make sure all staff members and volunteers	No	

have completed a new employee orientation, within seven days of hire date and before caring for children as outlined in 19 CSR 30-62.102(1)(J). A signed statement that this has been completed and verifying all employees and volunteers have completed the new employee orientation shall be submitted to the Office of Childhood."

DISPOSITION

SUBSTANTIATED

DISPOSITION DATE

5/6/2023

APPROVING SUPERVISOR

CHRISCO, MARLA L