



**MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
OFFICE OF CHILDHOOD - CHILD CARE COMPLIANCE**

**COMPLAINT INVESTIGATION OF  
SUBSTANTIATED STATUTE OR RULE VIOLATIONS**

**DATE OF REPORT**

10/3/2023

**DVN**

002891027

**FACILITY NAME**

A BETTER LIFE BRIGHTER FUTURE, LLC

**FACILITY ADDRESS**

600 FLORLAND DR

**CITY**

FLORISSANT

**ZIP CODE**

63031-6002

**PHONE NUMBER**

(314) 249-7687

**COUNTY**

ST LOUIS

**ASSIGNED SPECIALIST**

OMALLEY, PATRICK

**RULE/STATUTE VIOLATION(S)**

**VIOLATION(S)**

5 CSR 25-500.092(1)(B)1.A.

An individual cot or bed shall be provided for each child who naps or sleeps. An individually assigned sheet and blanket shall be provided for each child twelve (12) months and older who naps or sleeps. Upper levels of bunk beds shall not be used.

5 CSR 25-500.092(1)(B)2.1.

Sitting devices such as car safety seats, strollers, swings, infant carriers, infant slings, and other sitting devices shall not be used for sleep/nap time. Infants who fall asleep anywhere other than a crib, portable crib, or playpen shall be placed in the crib or playpen for the remainder of their sleep or nap time.

**CONCLUSION SUMMARY**

On October 3, 2023, the Office of Childhood (OOC) received an allegation that Child A (2-years-old) wouldn't nap, so A Better Life Brighter Future, LLC staff moved them to a swing and didn't restrain them in the swing. After conducting an investigation, Compliance Inspector (CI) Patrick O'Malley has found this allegation to be substantiated based on the following evidence:

5 CSR 25-500.092(1)(B)2.1., which states the following: "Sitting devices such as car safety seats, strollers, swings, infant carriers, infant slings, and other sitting devices shall not be used for sleep/nap time. Infants who fall asleep anywhere other than a crib, portable crib, or playpen shall be placed in the crib or playpen for the remainder of their sleep or nap time."

AND

5 CSR 25-500.092(1)(B)1.A., which states the following: "An individual cot or bed shall be provided for each child who naps or sleeps. An individually assigned sheet and blanket shall be provided for each child twelve (12) months and older who naps or sleeps. Upper levels of bunk beds shall not be used."

On October 3, 2023, CI O'Malley conducted a phone interview with First Steps therapist Michelle Purvia, who stated that Child A was regularly placed in a swing to fall sleep; Child A was too big for the straps to fit comfortably, so the straps were not used.

On October 10, 2023, CI O'Malley conducted an unannounced inspection of the facility and observed an infant swing in the infant/toddler unit. CI O'Malley did not observe any children in the swing. CI O'Malley conducted an interview with LLC member Lashonda Baker, who stated that Child A was autistic and had special needs, including alternative sleeping arrangements. Ms. Baker stated that Parent A (parent of Child A) gave the facility permission to sleep Child A in an infant swing. Ms. Baker stated that the facility did not have a physician's note for alternative sleeping arrangements on file for Child A. Ms. Baker stated that Child A slept in a swing at home.

On October 16, 2023, CI O'Malley conducted a phone interview with Parent A, who stated that they were aware that Child A was being slept in a swing at the facility. Parent A gave the facility permission for Child A to be slept in a swing. Child A slept in a swing at home. Parent A was attempting to get a note from their physician, giving permission for Child A to be slept in a swing. Child A was nonverbal.

**VIOLATION(S)**

5 CSR 25-500.182(2)(B)1.

Developmentally appropriate play experiences and activities planned to meet the interests, needs, and desires of the children;

5 CSR 25-500.182(2)(B)3.

Indoor and outdoor play periods which provide a balance of quiet and active play, and individual and small group activities. Activities shall provide some free choice experiences;

**CONCLUSION SUMMARY**

On October 3, 2023, the Office of Childhood (OOC) received an allegation that on Friday, September 29, 2023, Child A (2-years-old), Child B (3-years-old), and Child C (3-years-old), were brought inside and immediately placed in highchairs and restrained at A Better Life Brighter Future, LLC. Two months ago, unknown children were brought inside, and all placed in highchairs and the teacher proceeded to lay down on a cot, eat a snack and play on her phone. Children are restrained in highchairs for extended periods of time by at least three teachers and the director on almost a daily basis. After conducting an investigation, Compliance Inspector (CI) Patrick O'Malley has found this allegation to be substantiated based on the following evidence:

5 CSR 25-500.182(2)(B)1., which states the following: "Developmentally appropriate play experiences and activities planned to meet the interests, needs, and desires of the children;"

AND

5 CSR 25-500.182(2)(B)3., which states the following: "Indoor and outdoor play periods which provide a balance of quiet and active play, and individual and small group activities. Activities shall provide some free choice experiences;"

On October 3, 2023, CI O'Malley conducted a phone interview with First Steps therapist Michelle Purvia, who stated that Child A, Child B, and Child C were all First Steps clients at the facility. All three children were diagnosed with autism and were nonverbal. Ms. Purvia had been visiting the facility twice a week for the previous four months. All three children were strapped into highchairs each time that Ms. Purvia arrived. Ms. Purvia would visit with each child individually in a separate room. After Ms. Purvia saw each child, facility staff would strap that child back into their highchair. The children did not have any activities to do and just watched television. Ms. Purvia did observe the three children go outside to play with the rest of their class. On Friday, September 29, 2023, Ms. Purvia arrived while the class was outside; Child A, Child B, and Child C came inside with the rest of their class and were immediately strapped into their highchairs by their teacher, Charday, and the owner, whose name she did not know. Four months prior, Ms. Purvia saw Charday laying on a cot, playing on her phone, while all three children were strapped into their highchairs, watching television. Ms. Purvia did not know how long Charday kept the children in their highchairs that day.

On October 10, 2023, CI O'Malley conducted an unannounced inspection of the facility and observed three highchairs in the preschool classroom. CI O'Malley did not observe any children in the highchairs. CI O'Malley conducted interviews with LLC member Lashonda Baker and teacher Charday Williams. Ms. Baker stated that Child A, Child B, and Child C all had special needs including autism. All three children were routinely placed in highchairs and provided with activities. The children were placed in highchairs to prevent them from wandering and leaving the room. Children were never left alone and all three received therapy visits. All three children were nonverbal but seemed content to sit in the chairs. The parents of all three children were aware of their children's activities at the facility. None of the children had physicians' notes to eat in highchairs.

Ms. Williams denied ever letting any children watch television while she played on her phone. Ms. Williams affirmed that Child A, Child B, and Child C spent most of their days in highchairs.

On October 16, 2023, CI O'Malley conducted phone interviews with Parent A (parent of Child A) and Parent B (parent of Child B and Child C). Parent A stated that they were aware that Child A was being placed in a highchair for extended periods of time at the facility. Parent A gave the facility permission to place Child A in the highchair in order to prevent Child A from placing objects in their mouth. Parent A was attempting to get a note from their physician, giving permission for Child A to be allowed to sit in a highchair for extended periods of time. Child A was nonverbal.

Parent B stated that they were aware that Child B and Child C were being placed in highchairs for extended periods of time. Parent B gave the facility permission to place Child B and Child C in highchairs for extended periods of time. Both Child B and Child C were autistic and placing them in highchairs was the method of handling their behaviors at home. Both Child B and Child C were nonverbal.

**CORRECTIVE MEASURES**

**CORRECTIVE MEASURE**

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 violations cited. A copy of the memo, letter, or staff meeting agenda shall be submitted to the Office of Childhood.

**COMPLETED (Y/N)**

Yes

**COMPLETED DATE**

4/16/2024

**DISPOSITION**

SUBSTANTIATED

**DISPOSITION DATE**

12/1/2023

**APPROVING SUPERVISOR**

CHRISCO, MARLA L