



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

DATE OF REPORT
2/23/2022

DVN
000168858

FACILITY NAME

YMCA-EDWARD JONES BRANCH-ROSE ACRES ELEMENTARY

FACILITY ADDRESS

2905 ROSE ACRES LN

CITY

MARYLAND HEIGHTS

ZIP CODE

63043

PHONE NUMBER

(314) 213-8000

COUNTY

ST LOUIS

ASSIGNED SPECIALIST

FYFE, IAN

RULE/STATUTE VIOLATION(S)

VIOLATION(S)

5 CSR 25-500.182(1)(C)9.

Punishment or threat of punishment shall not be associated with food, rest, or toilet training.

CONCLUSION SUMMARY

On February 23, 2022 the Office of Childhood (OOC) received an allegation that Director Kimya Ware withheld food from students as a form of discipline. After conducting an investigation, Compliance Inspector (CI) Ian Fyfe has found this allegation to be substantiated. The following rule was violated:

5 CSR 25-500.182(1)(C)9., which states: "Punishment or threat of punishment shall not be associated with food, rest, or toilet training."

On March 1, 2022, Compliance Inspector (CI) Ian Fyfe made contact with and interviewed Parent A, who is the parent of Child A. When interviewed by CI Fyfe, Parent A informed CI Fyfe that Director Kimya Ware withheld cupcakes from students that had gotten in trouble with the facility staff. Parent A stated that the incident occurred on February 10, 2022.

On March 1, 2022, Compliance Inspector (CI) Ian Fyfe and Compliance Inspections Supervisor (CIS) Marla Chrisco conducted an unannounced inspection to the YMCA - Edward Jones Branch - Rose Acres Elementary and interviewed Director Kimya Ware. Ms. Ware informed CI Fyfe and CIS Chrisco that on February 10, 2022, she provided cupcakes to children that had behaved appropriately when a substitute teacher was present the day prior. By providing cupcakes to the students that were identified as well behaved, Ms. Ware effectively withheld food from students that had behaved poorly with the substitute teacher. The lack of reward to certain students in this situation is equivalent to a form of discipline for their negative behavior.

While at the facility, CI Fyfe and CIS Chrisco interviewed two children, Child B and Child C, regarding the alleged incident. Child C, who is 7-years-old, did not provide information regarding the incident. However Child B stated that they remember Ms. Ware bringing in cupcakes approximately two weeks prior to the interview and that Child B did not get a cupcake due to being in trouble.

VIOLATION(S)

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.

CONCLUSION SUMMARY

On February 23, 2022 the Office of Childhood (OOC) received an allegation that Ex-Director Melanie Jones made Child A sit in timeout longer than a time that matches Child A's age as a form of discipline. After conducting an investigation, Compliance Inspector (CI) Ian Fyfe has found this allegation to be substantiated. The following rule was violated:

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."

On March 1, 2022, Compliance Inspector (CI) Ian Fyfe made contact with and interviewed Parent A, who is the parent of Child A.

When interviewed by CI Fyfe, Parent A informed CI Fyfe that Director Melanie Jones, who is no longer employed at the facility, made Child A sit in timeout for approximately forty-minutes in December of 2021. Parent A stated that Principal Stephan Vargo of Rose Acres Elementary School witnessed the incident via camera footage and can provide more information .

On March 1, 2022, Compliance Inspector (CI) Ian Fyfe and Compliance Inspection Supervisor (CIS) Marla Chrisco conducted an unannounced inspection to the YMCA - Edward Jones Branch - Rose Acres Elementary and interviewed Director Kimya Ware . Ms. Ware informed CI Fyfe and CIS Chrisco that during this incident, Ms. Melanie Jones attempted to redirect Child A by separating them from the rest of the children. Ms. Ware stated that even though Child A was separated from the other children for an extended period of time, the length of time was greatly exaggerated. Ms. Ware confirmed with CI Fyfe and CIS Chrisco that Mr. Stephan Vargo would be able to confirm the incident as he did view the camera footage . Ms. Ware demonstrated a clear understanding of appropriate discipline that can be used by informing CI Fyfe and CIS Chrisco that the facility's policy dictates one minute of timeout that is equivalent to the child's age.

On March 17, 2022, Compliance Inspector (CI) Ian Fyfe conducted a phone interview with Stephan Vargo, Principal for Rose Acres Elementary School. Mr. Vargo informed CI Fyfe that he did review the camera footage after the incident occurred . Mr. Vargo stated that Child A was in timeout for approximately twenty to twenty-six minutes. Mr. Vargo stated that Child A left the designated area during this time and did not appear to be forced into the area for the entirety of the time, but that Child A remained in the area until Parent A picked the child up.

CORRECTIVE MEASURES

CORRECTIVE MEASURE	COMPLETED (Y/N)	COMPLETED DATE
The facility shall conduct a staff meeting to review the center's policies and all licensing rules and regulations regarding discipline. The facility must provide the Child Care Compliance Section with a statement, signed by all staff (paid employees or unpaid volunteers), to indicate they understand and agree to follow those rules and regulations.	Yes	5/13/2022

DISPOSITION	DISPOSITION DATE
SUBSTANTIATED	4/22/2022

APPROVING SUPERVISOR
CHRISCO, MARLA L