

Attachment 3, Matrix for Fines/Sanction of Serious Risk Violations

Non-Compliance	<p style="text-align: center;">Level One</p> <p>Violations which elevate the risk of actual harm to children in care, due to the actions or omissions of the licensee.</p>			<p style="text-align: center;">Level Two</p> <p>Violations which pose imminent risk of serious injury of death, or violations which resulted in serious injury or death of a child, due to the actions or omissions of the licensee.</p>		
	Example:			Example:		
	Training	Additional Monitoring	Fine	Reduction in license capacity	Summary or Program Element Suspension	Revocation
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Upon receiving a non-compliance with any of the serious risk rules, it will be determined as to whether the violation is a Level 1 or Level 2 violation. Dependant upon the nature of the violation and the history of previous non-compliances, the determination will then be made as to the appropriate sanction to be assessed.

Severity Continuum

Level 1: Violations which elevate the risk of actual harm to children in care, due to the actions or omissions of the licensee.

Level 2: Violations which pose imminent risk of serious injury or death, or violations which resulted in serious injury or death of a child, due to the actions or omissions of the licensee.

Scope Continuum

Isolated: An individual breakdown in the system which results in a violation occurring.

Patterned: Inconsistent implementation in the system which results in more than two violations occurring during a licensing period.

Widespread: No evidence of a system is in place, which results in violations being pervasive throughout the program.

Factors to Consider

When making a determination as to whether a violation would be a Level 1 or a Level 2 violation, and also in determining which particular sanction should be assessed, the following factors should be taken into consideration:

Number/vulnerability of children affected.

Age of children affected.

Overall history of compliance, including repeated violations.

Determination if the program can develop systems to fix violation permanently.

Determination if terms of sanction can be adequately Monitored.

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Explanation of Level 1 Sanctions

Content Specific Training – This training would be developed by the Bureau of Child Care and Development. It would provide an in-depth review of rules pertaining to the violation (supervision, transportation, administration of medication, etc.) and provide assistance in developing systems to achieve and maintain compliance. This training could only be conducted by trainers approved by the Bureau.

Additional Monitoring Inspection – This inspection would be conducted in addition to the regularly scheduled inspections. Dependant upon the nature of the violation(s), it may either be a full inspection, or a partial inspection focused on the non-compliance issues.

Civil Penalty – In addition to the identified rule violations which would lead to an immediate fine, centers may also be assessed a fine if rule violations occur which are either deemed to be a Level 2 violation, or in a patterned or widespread manner.

Explanation of Level 2 Sanctions

Limitation on New Enrollment or Reduction in License Capacity – The center would lose the ability to enroll new children, even if they are not at their license capacity. Or, the center would need to reduce the number of children for which it is licensed to provide care. This limitation/reduction may be placed on either the center as a whole, or on a specific age of children, dependant on the nature of the violation(s).

Program Element Suspension – The center would lose the ability to implement certain program components, based on the nature of the violations. Examples of this may include: ability to transport children, ability to participate in swimming activities, ability to care for infants, etc.

Summary Suspension – The Department would have the ability to issue a summary suspension, for a period of a minimum of forty-five days. During this time the center would be prohibited from providing care for children. Upon the conclusion of the summary period, the center would need to demonstrate that appropriate systems are in place to assure the non-compliances would not be reoccurring.

Revocation – The Department would recommend revoking the center's license, which would begin legal proceedings to prohibit them from caring for children.

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S	Children are left alone.	Example: A pre-school child is left alone within the building.			Example: Any age child is observed/reported to be alone on the playground, van and/or field trip.		
		Training	Additional Monitoring	Fine	Reduction in license capacity	Summary or Program Element Suspension	Revocation
		X	X		X		
S	Children are cared for in settings that exceed ratio requirements.	Example: Ratio is exceeded as a result of an isolated incident, such as but not limited to, a staff shortage/emergency for a limited period of time.			Example: Ratio is exceeded on multiple occasions; and/or in multiple classrooms; and/or in classrooms serving children younger than three.		
		Training	Additional Monitoring	Fine	Reduction in license capacity	Summary or Program Element Suspension	Revocation
				X	X		
S	Children are not actively supervised.	Example: Staff cannot summons a 2 nd adult while on the playground.			Example: A second adult is not present when 7 or more preschool children are transported on a field trip and/or a lifeguard is not available when 35 or more children are swimming.		
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		X	X - if occurs more than once over period.			X	

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AN	Children are cared for by unqualified personnel.	Example: Staff are allowed to transport children without documentation of a valid drivers license.			Example: Staff are allowed to transport children under the influence; staff are allowed to care for children without requesting a web-check and/or are not released when found to have prohibitive convictions; children are physically harmed as a result of inappropriate discipline.		
		Training	Additional Monitoring	Fine	Reduction in license capacity	Summary or Program Element Suspension	Revocation
				X			X
AN	Children are not protected from abuse and/or neglect.	Example: Adults are involved in a physical altercation and children are not removed and therefore not protected from potential harm.			Example: Staff do not report suspicions of abuse and/or neglect to the appropriate children's services agency.		
		Training	Additional Monitoring	Fine	Reduction in license capacity	Summary or Program Element Suspension	Revocation
				X		X - Summary	
AN	Children are not having their health and/or medication needs met safely.	Example: Staff administer medication and/or health procedure without appropriate documentation and/or training.			Example: Staff administer incorrect dose or give medication to the wrong child and/or don't follow children's health plans which may result in serious harm.		
		Training	Additional Monitoring	Fine	Reduction in license capacity	Summary or Program Element Suspension	Revocation
		X	X			X	

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EH	Children are cared for in facilities that are not appropriately maintained and/or inspected.	Example: Failure to get fire and food service licenses renewed on time; an isolated incidence of operating over license capacity, required corrective action plan not submitted on time.			Example: Children under the age of three are cared for in unapproved space; inability to obtain annual fire approval; repeated incidents of operating over license capacity; failure to allow ODJFS representatives access and/or submission of false information.		
		Training	Additional Monitoring	Fine	Reduction in license capacity	Summary or Program Element Suspension	Revocation
				X	X	X - unapproved space, fire inspections	X denying access
EH	Children are cared for in space that is unsafe.	Example: Failure to have adequate protective fall zone coverage (i.e. mulch, pea gravel, mats)			Example: Children are not protected from traffic. Children are transported in a vehicle without proper seat belt use.		
		Training	Additional Monitoring	Fine	Reduction in license capacity	Summary or Program Element Suspension	Revocation
			X	X		X	
EH	Children are exposed to unsafe equipment/materials.	Example: Infant and/or toddlers have access to choking hazards or poisonous materials.			Example: There are firearms present in the child care center.		
		Training	Additional Monitoring	Fine	Reduction in license capacity	Summary or Program Element Suspension	Revocation
		X		X			X

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