



Department of  
Job and Family Services



# ANNUAL CHILD CARE LICENSING REPORT

## State Fiscal Year 2011

Office of Family Assistance • Bureau of Child Care and Development



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## Introduction

The Annual Child Care Licensing Report presents information regarding the licensing inspections performed by the Ohio Department of Job and Family Services (ODJFS), Child Care Licensing Section, as required by Section 5104.04 of the Ohio Revised Code (ORC):

“The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violation. The department shall file the report with the Governor, the president and minority leader of the Senate, and the speaker of the House of Representatives on or before the first day of January of each year, beginning 1999.”

This report covers licensing activities performed during state fiscal year (SFY) 2011, between July 1, 2010, and June 30, 2011. Detailed inspection information specific to licensed centers and Type A homes is available at <http://www.odjfs.state.oh.us/cdc/query.asp>. (Type A homes are licensed by ODJFS to serve 7 to 12 children who are cared for in the provider’s personal residence. Type B homes are not licensed, but certified by county departments of job and family services to serve 1 to 6 children in the provider’s personal residence. Type B homes are not the subject of this report.)

## Overview

Inspections to assess a facility’s level of compliance with Ohio’s minimum health and safety standards for child care, as required by ORC 5104, begin during the initial licensing process for new applications and continue throughout the course of business for that provider. New centers and Type A homes are initially licensed for a six-month provisional period. Thereafter, a biennial license is issued and renewed when subsequent compliance is documented. Full-time and combination centers are inspected a minimum of two times each year. At least one inspection each year is mandated to be unannounced. Part-time centers are inspected once a year. ODJFS also investigates complaints received about licensed centers, as well as allegations about programs operating without a license.

Inspection information is entered into a mobile software application that allows child care licensing specialists to generate reports with details regarding the on-site inspections.

At the end of SFY 2011, Ohio had 4,363 licensed child care facilities, including 247 Type A homes serving 276,701 children enrolled. Approximately 28,735 child care staff were employed in Ohio’s licensed facilities.

The ODJFS Bureau of Child Care and Development, Child Care Licensing Section, successfully performed 8,343 inspections, licensed 294 new centers, and provided ongoing technical assistance and training to the child care community in support of promoting quality care to Ohio’s children during SFY 2011. This compares to 8,687 inspections completed and 299 centers newly licensed during SFY 2010.

The five categories most frequently out of compliance for this reporting period were:

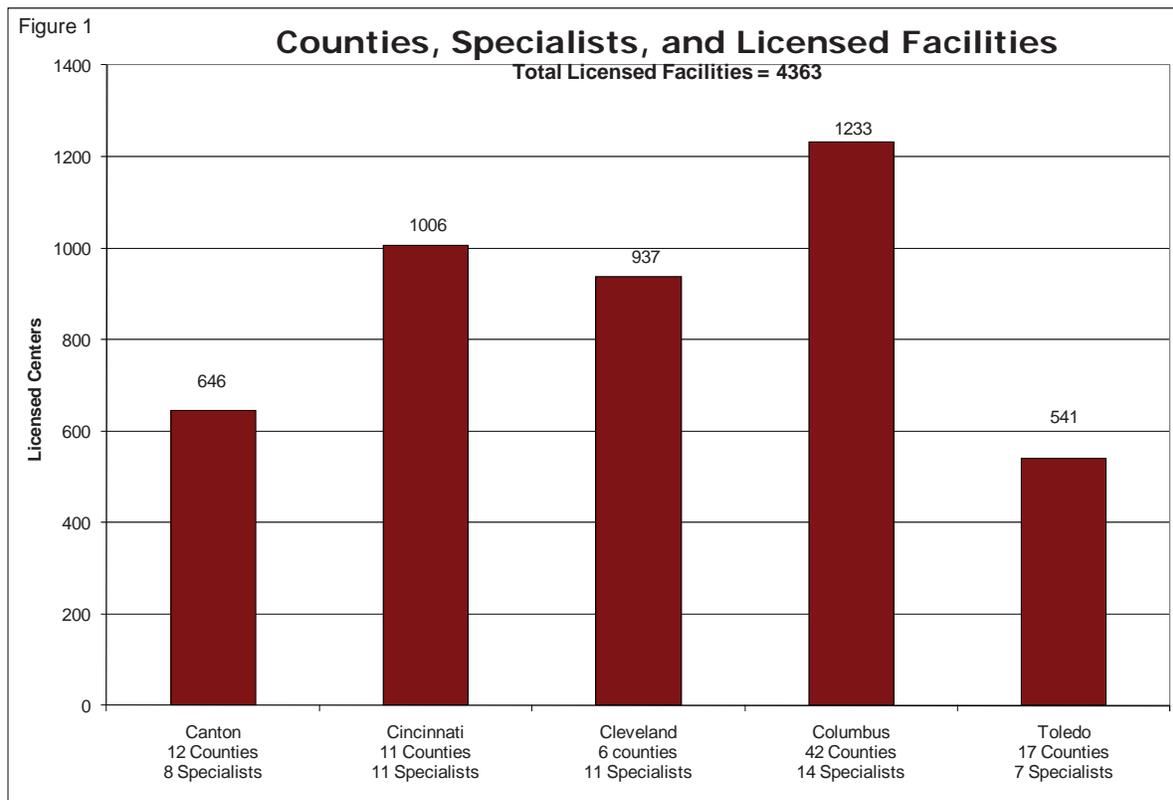
1. employee records
2. statement of non-conviction and criminal records check
3. medical/enrollment records
4. safe indoor equipment/environment
5. children’s attendance records

## Licensing Staff

Child Care Licensing staff are responsible for licensing and monitoring child care centers and Type A family child care homes, as well as registering summer day camps. ODJFS Child Care Licensing staff help licensed providers comply with existing regulations through regular assessments and ongoing technical assistance.

Licensing staff conduct inspections and investigations of complaint allegations made against licensed programs, as well as reports of unauthorized child care, such as child care that exceeds the statutory limit on the number of children in care at any one time.

Child Care Licensing staff are located in Columbus at the Central Office (50 W. Town St.) and in five regional field offices around the state: Canton, Cincinnati, Cleveland, Columbus and Toledo (Maumee). The Central Office has one manager. The regional offices have a total of 8 supervisors and 51 child care licensing specialists. Figure 1 shows the number of counties, specialists and licensed child care centers by district.



## Technical Assistance

In addition to monitoring and facilitating compliance with regulations and investigating complaint allegations, Child Care Licensing staff continuously offer technical assistance and training to the child care community as a means to promote quality child care in Ohio. They provide suggestions for reaching or maintaining compliance with minimum health and safety requirements, as well as suggestions for exceeding minimum licensing requirements. Trainings

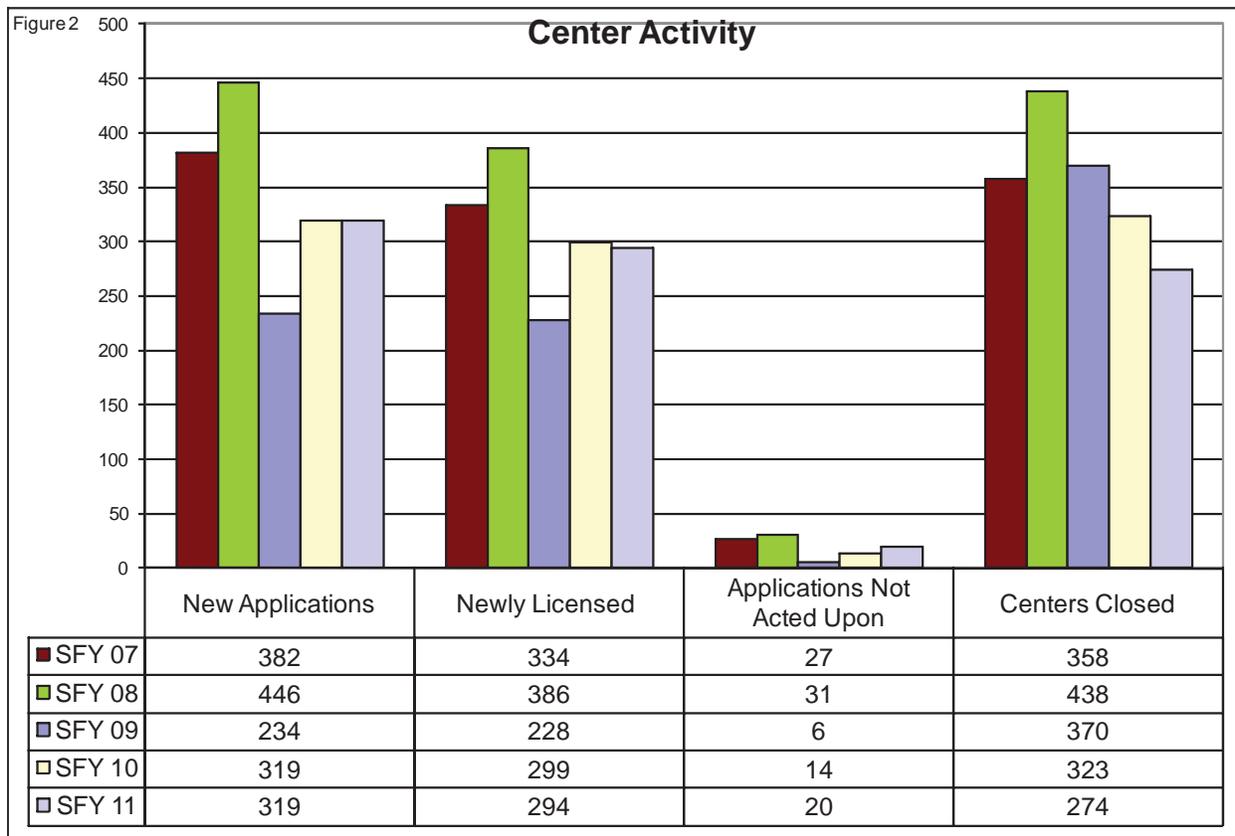
on how to achieve health, safety and licensing requirements are routinely and regularly conducted with new administrators throughout the state. During the most recent reporting period, 935 center administrators participated in 24 administrator rule training sessions.

## Program Demographics

### Center Activity

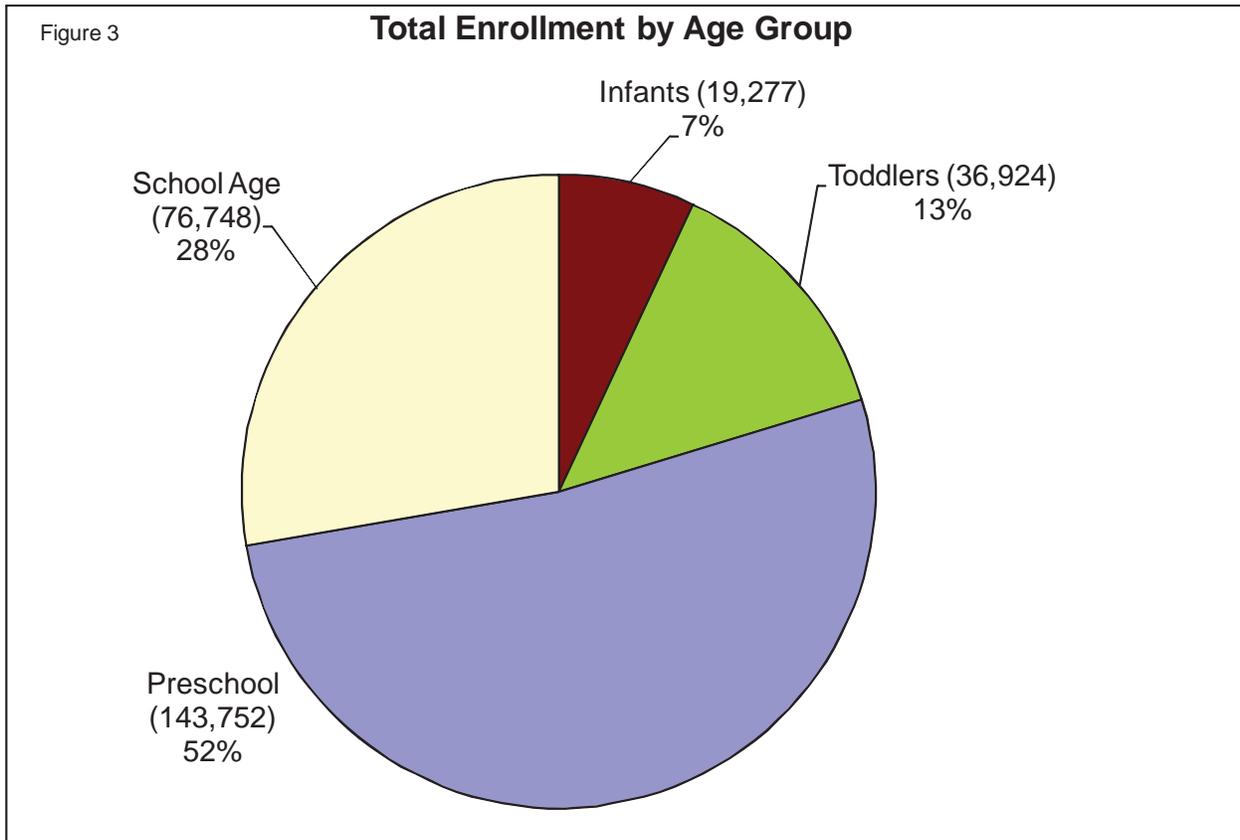
During SFY 2011, the Child Care Licensing Section received 319 new applications for licensure, which was the same number it received in SFY 2010. Of those 319 new applications, the section licensed 294 new child care providers. Initial applications remain active for 12 months as a statutory requirement. Should an applicant not pursue or be unable to fulfill licensing requirements and become licensed within the 12 months, the application is noted as not having been acted upon.

The following chart compares the number of applications received, centers licensed and centers closed over a five-year period. Most often, centers close voluntarily, often as a result of a relocation or a change of ownership. Additional data is now collected at the time of closure in order to better understand changes in center operations in Ohio.



## Enrollment

Ohio child care providers have the capacity to serve 333,124 children at 4,363 centers and Type A homes, from infants to school age. At the end of SFY 2011, 276,701 children (83 percent of capacity<sup>1</sup>) were being served by those 4,363 licensed facilities. Figure 3 shows the number of children served by age.

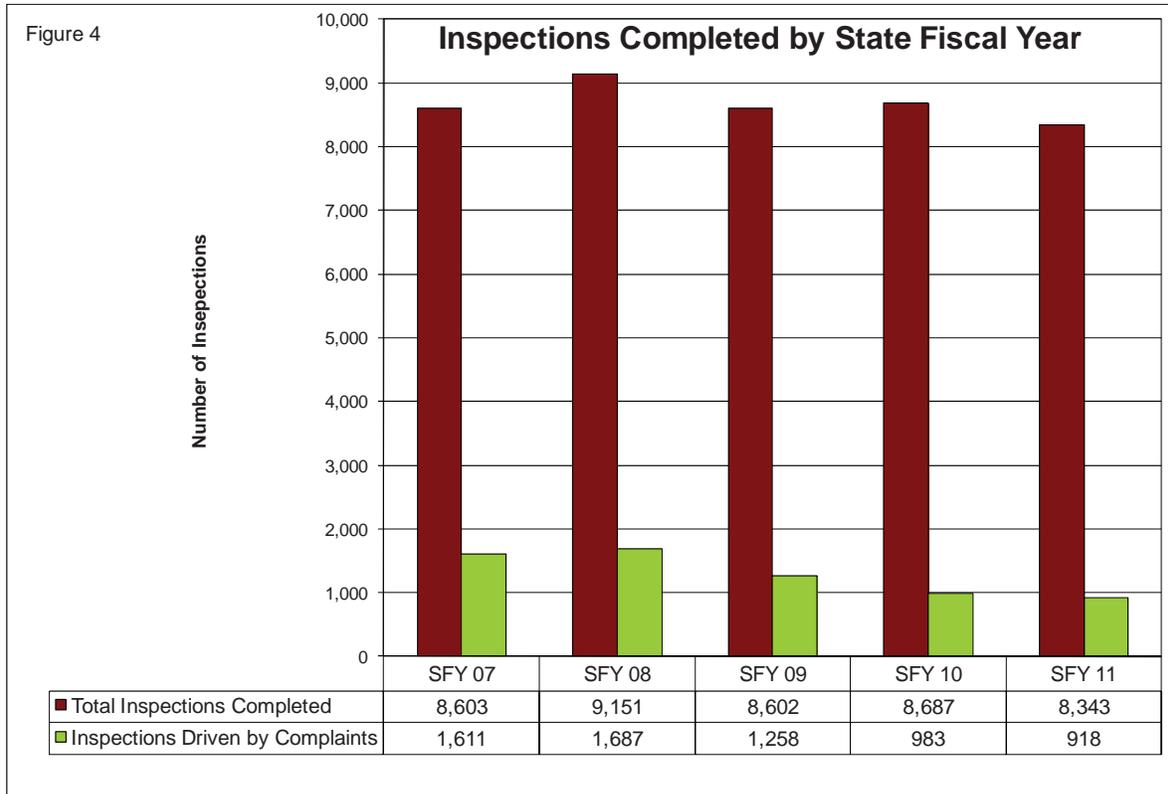


<sup>1</sup>Multiple children can fill one opening due to the offering of part-time child care services at full-time centers.

# Inspections

## Inspections Overview

In SFY 2011, licensing specialists completed 8,343 inspections of child care facilities in Ohio. Of those inspections, 918 were initiated because of complaints. Figure 4 shows the number of inspections completed during each of the past five state fiscal years, along with the number driven by complaints.



## Summary of Compliance Findings

During on-site inspections of full-time programs, inspectors determine whether the programs are in compliance with 42 separate licensing rules that include numerous subparts. The majority of the top ten rules most frequently cited as being out of compliance are easily observable and verifiable. For example, nearly 30 percent of the non-compliances are associated with personnel or staffing documentation.

The following table shows the number of violations found for each of those top ten rules in SFY 2011. In order to help programs correct problems and achieve compliance, the bureau provides information explaining common violations. It suggests systems that can be put in place to achieve compliance and offers training and monitoring recommendations.

<b>Ten Rules Most Often Out of Compliance</b>	
<b>Rule</b>	<b>Total Number of Violations Determined in SFY 2011</b>
<b>Employee Records</b>	<b>4,696</b>
<b>*Statement of Non-Conviction &amp; Criminal Records Check (BCII/FBI Background Checks)</b>	<b>4,673</b>
<b>Medical/Enrollment Records</b>	<b>3,365</b>
<b>*Safe Indoor Equipment/Environment</b>	<b>2,792</b>
<b>Children's Attendance Records</b>	<b>2,035</b>
<b>*Administration of Medication</b>	<b>1,942</b>
<b>Sanitary Indoor Equipment/Environment</b>	<b>1,529</b>
<b>First Aid Supplies/Procedures</b>	<b>1,186</b>
<b>Medical/Dental/General Emergency Plan</b>	<b>1,054</b>
<b>*Care Plan for Children with Health Conditions</b>	<b>1,050</b>
<b>Total</b>	<b>24,322</b>

\* Denotes a Serious Risk Noncompliance category

## Detailed Compliance Findings

The following tables show the number of rule violations documented in SFY 2011, grouped by category. A brief description of each rule category is provided at right.

Licensure/Approval Findings	
Rule Violation	2011 Findings
License Capacity	460
Food Service Licensure/Food Catered	183
Building Approval	70
Fire Department Approval	54
Application Denial/License Revocation	18
Inspection/Investigation Rights	3
<b>Total</b>	<b>783</b>

**Licensure/Approval Findings** – In order to be licensed, child care facilities must secure and retain inspection approvals in the areas of building, fire prevention and food service safety.

Licensed programs are required to give ODJFS staff access to their facilities to conduct inspections. Likewise, programs are required to provide accurate and truthful information to ODJFS upon application and in all subsequent communications.

Both the center’s license and all inspection reports for the current licensing period are required to be posted in the center for viewing. A center’s license capacity is the maximum number of children in each age category (infants, toddlers, preschool and school-age) authorized to be cared for in the center at any one time.

Children’s Records Findings	
Rule Violation	2011 Findings
Medical/Enrollment Records	3,391
Care Plan for Children with Health Conditions	1,171
<b>Total</b>	<b>4,455</b>

**Children’s Records Findings** – Programs are determined to be noncompliant when new or updated medical statements for each child are not available for review. Children’s records required to be on file at the center include emergency contact numbers, detailed immunization records, lists of allergies, documentation for medications currently being administered, a list of any chronic physical problems and, if applicable, plans provided by parents or guardians explaining how to address their children’s health conditions.

Space/Program Findings	
Rule Violation	2011 Findings
Outdoor Play Equipment	940
Transportation Procedural Requirements	701
Transportation/Driver Requirements	513
Transportation/Vehicle Requirements	480
On-site Outdoor Play Space	410
Outdoor Play Fall Surface	358
Separation of Infants and Toddlers Under 2 ½ years	118
Swimming and Water Safety	64
Evening and Overnight Care	32
Smoke-Free Environment	26
Indoor Floor Space	14
Parks/Indoor Play Space	3
<b>Total</b>	<b>3,659</b>

**Space/Program Findings** –The minimum requirement for indoor floor space is 35 square feet per child using the space. A frequent noncompliance is the use of an area that has not been approved for child care programming. A noncompliance in the category of outdoor equipment indicates that something in the outdoor play environment posed a safety risk, such as a fall hazard or equipment in need of repair. Swimming and water safety rules provide guidelines for programs that either have swimming available on site, or that offer supervised water activities away from the center or Type A home.

Infant/Toddler Care Findings	
Rule Violation	2011 Findings
Cribs	988
Hand Washing and Basic Precautions	578
Infant Food/Formula	550
Diapering and Toilet Training	371
Infant Daily Program	200
Infant Caregiver	71
<b>Total</b>	<b>2,758</b>

**Infant/Toddler Care Findings** – Infant programs are required to offer activities that are suitable to the age levels and abilities of the infants under care.

Possible violations with regard to cribs include not heeding the most recent Consumer Protection Safety Commission’s crib recall, having an inadequate number of cribs, having cribs with insufficiently close-spaced bars, unsafe spacing of cribs and improperly fitting mattresses.

Classroom Findings	
Rule Violation	2011 Findings
Safe Indoor Equipment/Environment	2,792
Sanitary Indoor Equipment/Environment	1,529
Medical/Dental/General Emergency Plan	1,111
Staff/Child Ratios	673
Equipment/Materials	510
Supervision	463
Programming Environment	374
Group Size	330
Cots	339
Care/Nurturing of Children	308
Tooth Brushing	94
Child Guidance/Management	80
<b>Total</b>	<b>8,603</b>

**Classroom Findings** – This category includes a wide range of rules that require staff in licensed programs to be responsible for the well-being and safety of each child they care for, and for meeting each child’s basic needs.

Some common noncompliance findings in this category are play equipment in need of repair, access of cleaning supplies or chemicals by children, and an insufficient staff-child ratio.

Staff Requirements Findings	
Rule Violation	2011 Findings
Employee Records	4,696
Statement of Non-Conviction and Criminal Records Check	4,673
Persons Trained in First Aid/CPR and in Prevention, Recognition and Management of Communicable Disease and Child Abuse Recognition and Prevention	1,186
Child Care Staff Educational Requirements	950
In-Service Training	870
Administrator Responsibilities/Time On-Site	261
Administrator Qualifications	162
<b>Total</b>	<b>12,798</b>

**Staff Requirements Findings** – Many violations in this category are the result of centers not having the required documentation available for review. Examples include employee medical records, background check verifications and proof of in-service training.

Licensing specialists follow up on these and all noncompliances to ensure that programs complete the steps submitted in their corrective action plans and achieve compliance.

Food/Nutrition Findings	
Rule Violation	2011 Findings
Menus	470
Requirement for Meals/Snacks	270
Food Safety and Sanitation	139
Infant Formula and Toddler Milk	142
Requirement for Food Provided by Parents	97
Water and Sewage	30
Meal Preparation/Food Safety and Storages	17
Interval of Meals/Snacks	4
<b>Total</b>	<b>1,169</b>

**Food/Nutrition Findings** – Programs are required to ensure that all meals for children, whether they are provided by the center or by parents, meet minimum U.S. Department of Agriculture nutritional standards. Centers are required to post their menus, to give parents and guardians information about what the program has served during the day and for the rest of the week. A common noncompliance in this category is posted menus that do not reflect what is actually served at the center. This is frequently due to last-minute changes when foods intended to be served are not available for preparation.

Emergency Planning Findings	
Rule Violation	2011 Findings
First Aid Supplies/Procedures	1,011
Incident/Injury Reporting	136
<b>Total</b>	<b>1,147</b>

**Emergency Planning Findings** – When a child becomes ill, has an accident, or needs first aid or medical treatment while being cared for at a licensed center, child care providers are required to complete an incident/injury report and to provide that report to the parent or guardian the same day. Serious incidents and injuries are required to be reported to ODJFS within a specified period of time. The relatively low number of findings in this category indicates that programs understand this requirement and are completing the form when such incidents occur.

Center Policy Findings	
Rule Violation	2011 Findings
Administration of Medicine	1,981
Center Information/ Policies/Procedures	621
Parent Roster	523
Management of Illness	78
Parental Participation	1
<b>Total</b>	<b>3,204</b>

**Center Policy Findings** – Center policies and procedures must be provided to parents, guardians and employees of each program. Medication must be administered exactly as directed in order to ensure children’s safety and for the medication to work properly. Noncompliances in this category are typically the result of program information not being complete or not being consistently available.

Staffing/Attendance Findings	
Rule Violation	2011 Findings
Attendance	2,035
Substitutes	91
Second Adult	69
Children Combined When No More than 12 on Premises Staff/Child Ratios	29
<b>Total</b>	<b>2,224</b>

**Staffing/Attendance Findings** – Daily attendance records help ensure that children are safe and properly supervised. They are especially critical during times of evacuations and emergencies. Child care staff are responsible for maintaining these records and for knowing the whereabouts of the children in their care at any given time. Examples of noncompliances in this area are when children’s names are not included on rosters, when staff fail to note that a child has arrived and is on the premises, or when an insufficient number of staff is present to supervise children. The latter is a serious risk noncompliance.

## Complaints

The Child Care Licensing Section is mandated to investigate complaints regarding allegations of violations of Ohio’s licensing regulations. The section received and investigated 918 complaints during SFY 2011. These included 1,770 allegations of noncompliances with child care licensing rules. Of the allegations reported, 416 were substantiated. The top three allegations concerned staff/child ratios, care and nurturing of children, and child guidance and management.

Often multiple allegations are made within one complaint. Upon inspection, it is common for some but not all of the allegations to be substantiated. Therefore, substantiated complaints are reported as those in which at least 50 percent of the allegations were determined to be true. Of the 918 complaints received, 215 had at least 50 percent of the allegations substantiated.

The following tables summarize the number of complaints received and subsequent determinations made in SFY 2011. Unsubstantiated allegations were found not to have occurred. Undetermined allegations could not be proven true or false. Undetermined allegations could not be proven true or false as there was insufficient evidence, documentation, or corroboration to demonstrate the allegation did or did not occur.

## Complaints Summary

TOTAL RECEIVED	AVERAGE # REC'D PER MONTH	# ALLEGED VIOLATIONS	# UNSUB-STANTIATED	# SUBSTAN-TIATED	# UN-DETERMINED
918	73	1,770	67	416	1,287

Rule	# of Times Alleged
Staff/Child Ratios	371
Care/Nurturing of Children	239
Child Guidance and Management	234
Safe/Sanitary Indoor Equipment/Environment	229
Incident/Injury Reporting	103
Meals and Snacks	81
Transportation	63
Criminal Records Checks for Staff	51
Center Information/Policies/Procedures	50
Administrative Qualification/Responsibilities	43

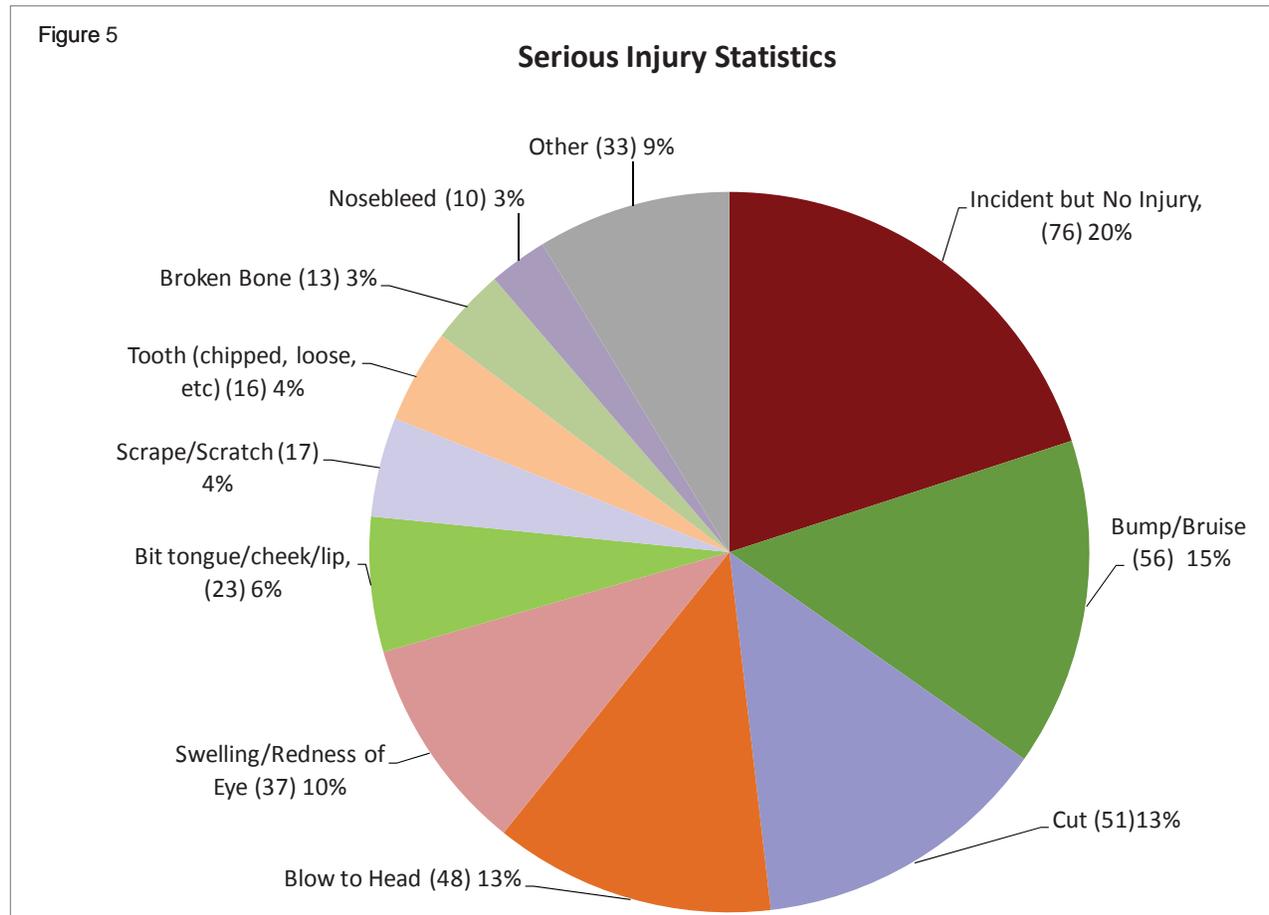
## **Incident/Injury Management**

Incident/injury reports allow the Child Care Licensing Section to collect data and identify patterns related to when and why children are injured in child care. The reports allow trends to be analyzed and recommendations made for improved injury prevention strategies.

The section received 380 reports of serious incidents and injuries in licensed child care facilities during SFY 2011. A serious incident or injury is defined as including “any situation occurring while a child is in the care of the center that requires emergency medical treatment, professional consultation or transportation for emergency treatment.” Centers and Type A programs are required by rule to forward notice of all such incidents to ODJFS. One fatality occurred in a Type A home and was determined to be related to Sudden Infant Death Syndrome (SIDS). The three most frequently specified types of injuries reported were non-injury-related incidents, bumps/bruises and cuts. Examples of non-injury-related incidents are when children are left unattended, when transportation incidents occur but with no injury, and when medication is found on a playground but no child is injured.

All incident/injury reports that are associated with complaints are investigated. Licensing specialists follow up to ensure that programs are in compliance with all health and safety rules and that, if they submitted a corrective action plan, they have completed the steps in the plan. Inspectors also provide technical assistance to programs so they can prevent incidents and injuries in the future.

Figure 5 shows the top ten most frequently reported serious incidents by injury type, including the number and percent of total incident/injury reports that were received in SFY 2011.

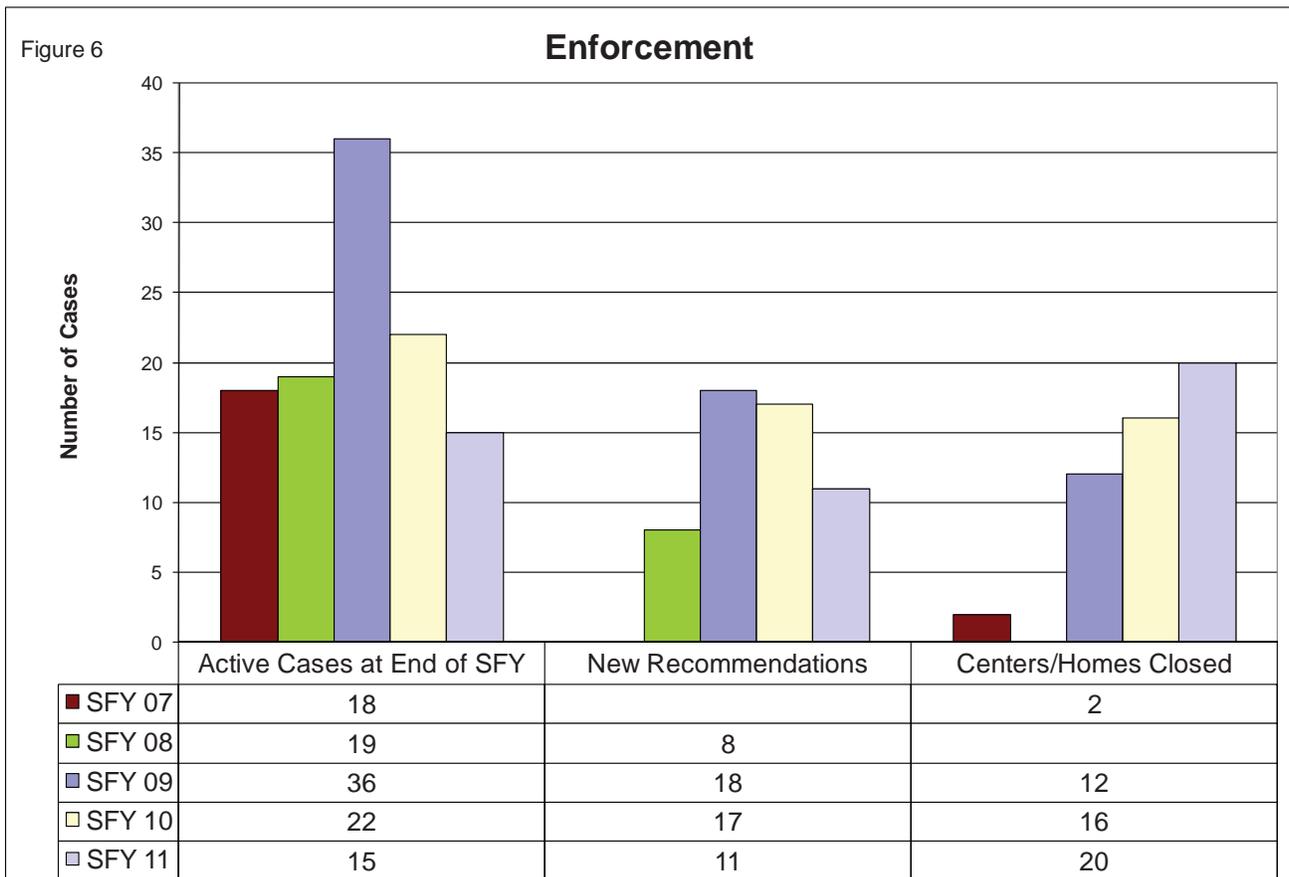


# Enforcement

## Steps Taken to Address Violations

Licensed programs are mandated to submit corrective action plans for all rule violations. This is followed by technical support and varying degrees of monitoring, including unannounced visits by licensing staff. As a last resort, if programs fail to achieve compliance, ODJFS may deny their applications or revoke their licenses, pursuant to ORC chapters 119 and 5104.

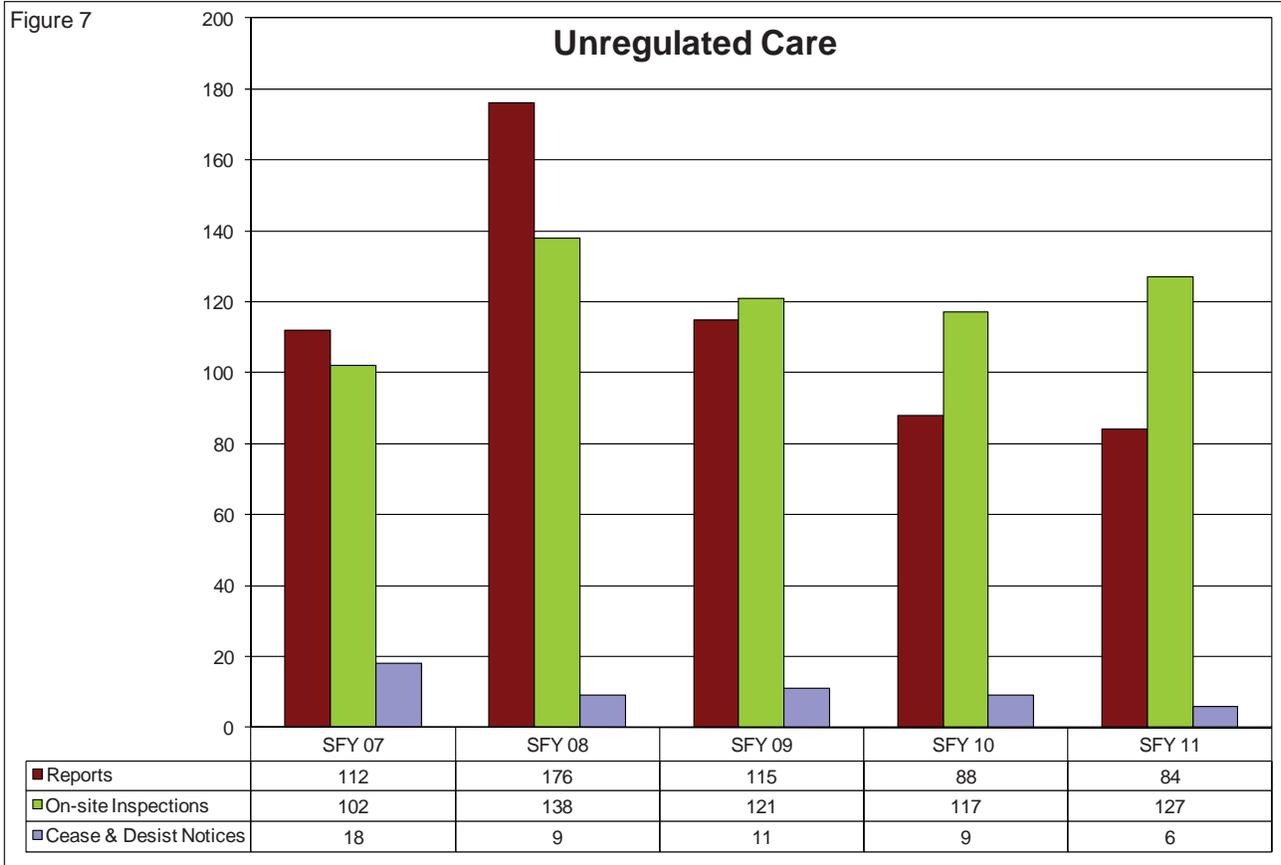
The Child Care Licensing Section had 15 active enforcement cases at the end of SFY 2011, including 11 new cases in which license revocation was recommended. Twenty centers and Type A homes were closed in SFY 2011.



## Reports of Unregulated Child Care

ODJFS received 84 reports of illegal child care in SFY 2011. Illegal child care is unlicensed care for more than six children on a regular basis in the provider's home. Licensing staff conducted 127 on-site inspections at these homes, and the Attorney General's Office sent six "cease and desist" notices. All other unlicensed programs inspected were subsequently determined to be operating within legal limits and not required to be licensed. As indicated in Figure 7, the department has continued to increase the number of inspections conducted relative to the number of illegal care reports received.

Figure 7



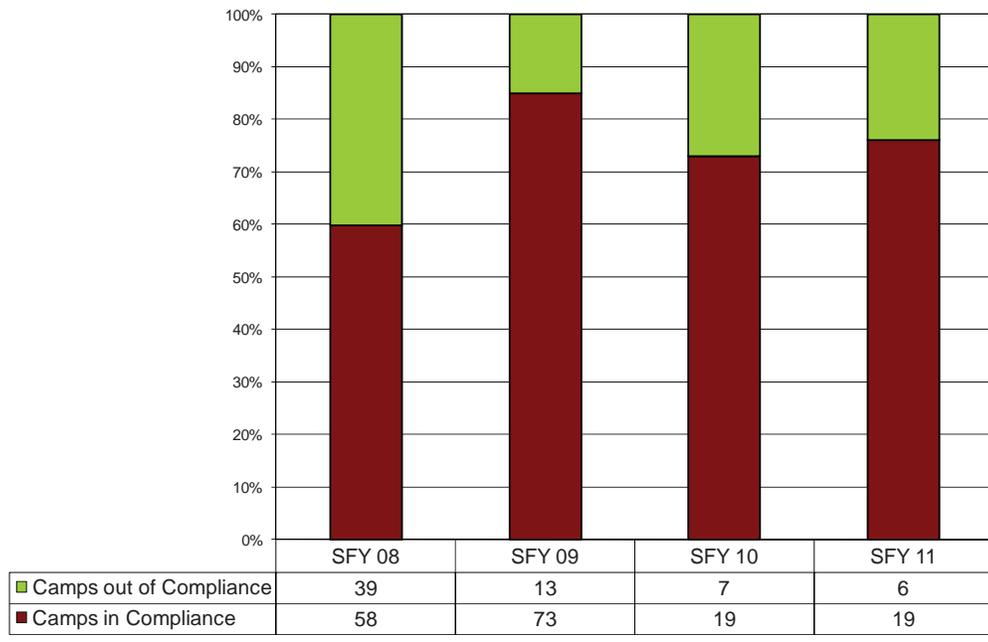
The Child Care Licensing Section monitors all reports of unregulated care for ten or more children in homes or facilities.

## Day Camp Criminal Background Check Compliance Sweep

All child day camps in Ohio are required to register with ODJFS, and all camps are required to obtain new criminal records checks for all staff prior to employment. In 2011, 200 camps were registered in Ohio. On June 25, 2011, the Child Care Licensing Section randomly chose 29 camps and conducted desk reviews to ensure that background check documents for all staff were on file. Of those 29 camps, 4 did not respond and are not included in Figure 8. As Figures 8 and 9 show, 76 percent of camps monitored were in compliance at the time of review, and 97 percent of staff monitored were in compliance at the time of review. Camps that did not meet the statutory requirements at the time of the monitoring were given 30 days to achieve compliance. The four camps that did not respond to the desk review will receive an unannounced on-site inspection during the 2012 camp season.

Figure 8

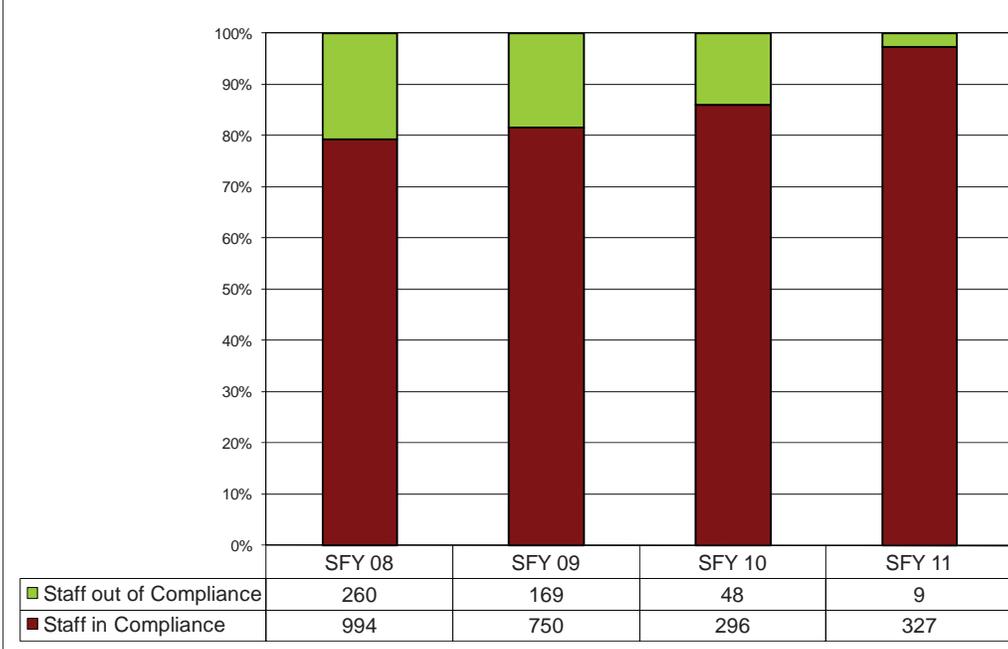
### Day Camp Criminal Background Check Compliance



76% of programs monitored were in compliance at the time of review.

Figure 9

### Day Camp Staff Criminal Background Check Compliance



97% of staff were in compliance at the time of review.



## Step Up To Quality – Ohio’s Quality Rating System

Step Up to Quality (SUTQ), Ohio’s voluntary quality rating system for child care programs, is designed to increase the number of high-quality programs, recognize and support programs that achieve higher quality standards, and provide parents with an easy-to-use tool to assist them in making more informed choices on behalf of their children. By the end of SFY 2011, Ohio had 1,097 star-rated early care and education programs serving approximately 85,000 children in 84 counties. This included 932 programs that renewed their ratings and 165 newly rated programs, for a total of 48 more rated programs than the previous year.

Step Up to Quality star-rated programs qualify for monetary awards. In SFY 2011, Ohio awarded SUTQ Quality Achievement Awards totaling \$8,419,850. The average award to each center was approximately \$7,635, up \$418 from the previous year. Most recipients used their awards for classroom support, increased staff compensation and enhanced activity centers. Parents can search for star-rated programs while looking for child care at <http://jfs.ohio.gov/CDC/childcare.stm>. For more information about Step Up to Quality, go to <http://jfs.ohio.gov/cdc/StepUpQuality.stm>.

## Rule Review

The Bureau of Child Care and Development continues to perform a statutorily mandated five-year rule review. All proposed and final rule revisions related to child care centers and Type A homes are available for viewing and comment at the following links:

<http://jfs.ohio.gov/cdc/childcare.stm>

<http://www.odjfs.state.oh.us/clearances/public/index.aspx>

<http://jfs.ohio.gov/ols/pubHearings/>

<http://www.registerofohio.state.oh.us/>

In SFY 2011, rule changes were made to reflect improved processes for obtaining and renewing a child care license, and to reflect the recent implementation of the Child Care Information Data System (CCIDS), Ohio’s new statewide automated eligibility and payment system for publicly funded child care. For more about CCIDS, go to <http://jfs.ohio.gov/cdc/CCIDS.stm>.