



Annual Child Care Licensing Report

STATE FISCAL YEAR 2012

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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.”

The data in this report covers licensing activities performed during state fiscal year (SFY) 2012, between July 1, 2011, and June 30, 2012. Detailed inspection information specific to licensed centers and type A homes is available at <http://www.odjfs.state.oh.us/cdc/query.asp>. A child care center is defined as any place that is not the permanent residence of the licensee or administrator in which child care is provided, with or without compensation, for seven to 12 children at one time, or any place in which child care is provided for 13 or more children at one time. Type A homes are defined as a residence of a child care provider in which care is provided for seven to 12 children. Centers and type A homes must be licensed by ODJFS. Type B homes are defined as a residence of the child care provider in which care is provided for one to six children. Type B homes are certified and regulated by the county departments of job and family services. Type B homes do not require a license and, thus, are not the subject of this report.

Overview

Inspections to assess a facility’s compliance with minimum health and safety standards begin during the initial licensing process for new applications and continue throughout the provider’s course of business. New centers and type A homes are initially licensed for a one-year provisional period as of September 29, 2011. Thereafter, a continuous license is issued. Prior to September 29, 2011, the provisional period was six months, after which a biennial license was issued and renewed when subsequent compliance was documented. Full-time and combination centers and type A homes that do not participate in Ohio’s quality rating system, Step Up To Quality (SUTQ), are inspected a minimum of two times each year. Centers and type A homes that are rated within SUTQ receive one regular licensing visit and one SUTQ visit each year, as long as the program’s rating was not suspended or removed. As of September 29, 2011, all inspections are mandated to be unannounced. Part-time programs are inspected once a year. ODJFS conducts complaint investigations regarding rule violations in licensed programs, as well as allegations of unregulated programs.

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 2012, Ohio had 4,359 licensed child care facilities, including 247 type A homes serving 276, 701 children.

During SFY 2012, the ODJFS Bureau of Child Care and Development’s (BCCD) Child Care Licensing Section successfully performed 8,144 inspections, licensed 321 new centers, and provided ongoing technical assistance and training to the child care community in support of promoting quality care to Ohio’s children. This compares to 8,343 inspections completed and 294 new centers licensed during SFY 2011.

The five most frequent out-of-compliance areas for this reporting period were:

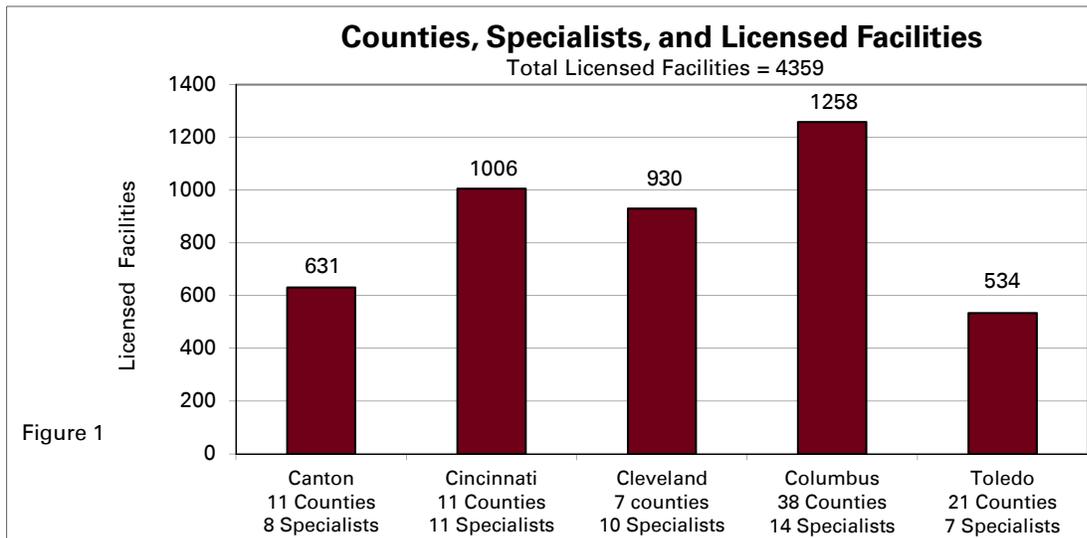
1. Statement of non-conviction and criminal records check
2. Employee records
3. Medical/enrollment records
4. Safe indoor equipment/environment
5. Children's attendance records

Licensing Staff

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

Licensing specialists conduct inspections and complaint investigations based on allegations made against licensed programs. Supervisors also investigate reports of illegally operating programs who are serving more than the statutory limit of six children.

Child care licensing staff members are located in Columbus at the central office (50 W. Town Street) and in five regional field offices: Canton, Cincinnati, Cleveland, Columbus and Toledo. The central office has one manager. The regional offices have a total of eight supervisors and 50 child care licensing specialists. Figure 1 reflects 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, licensing specialists offer technical assistance and training to the child care community to promote quality child care in Ohio. Technical assistance consists of providing 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 conducted routinely and regularly with new administrators throughout the state. During the most recent reporting period, 912 center administrators participated in 24 administrator rule training sessions.

Program Demographics

Center Activity

During SFY 2012, the ODJFS Child Care Licensing Section received 348 new applications for licensure, compared to 319 in SFY 2011. Of those 348 new applications, ODJFS licensed 321.

Figure 2 compares the number of applications received, centers licensed and centers closed over a five-year period. Historically, centers closed primarily because of the voluntary ending of a program, relocation or a change of ownership. Reason codes are collected for the purpose of center closure.

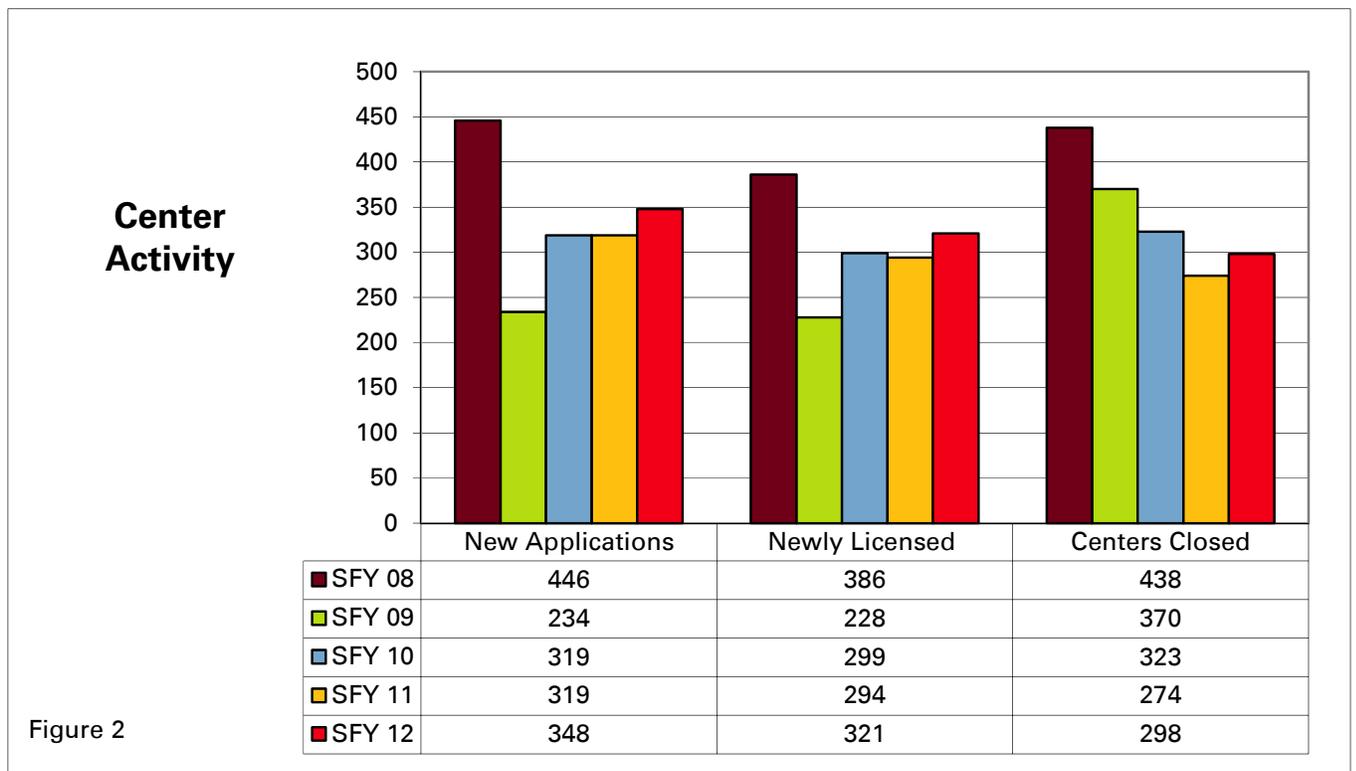
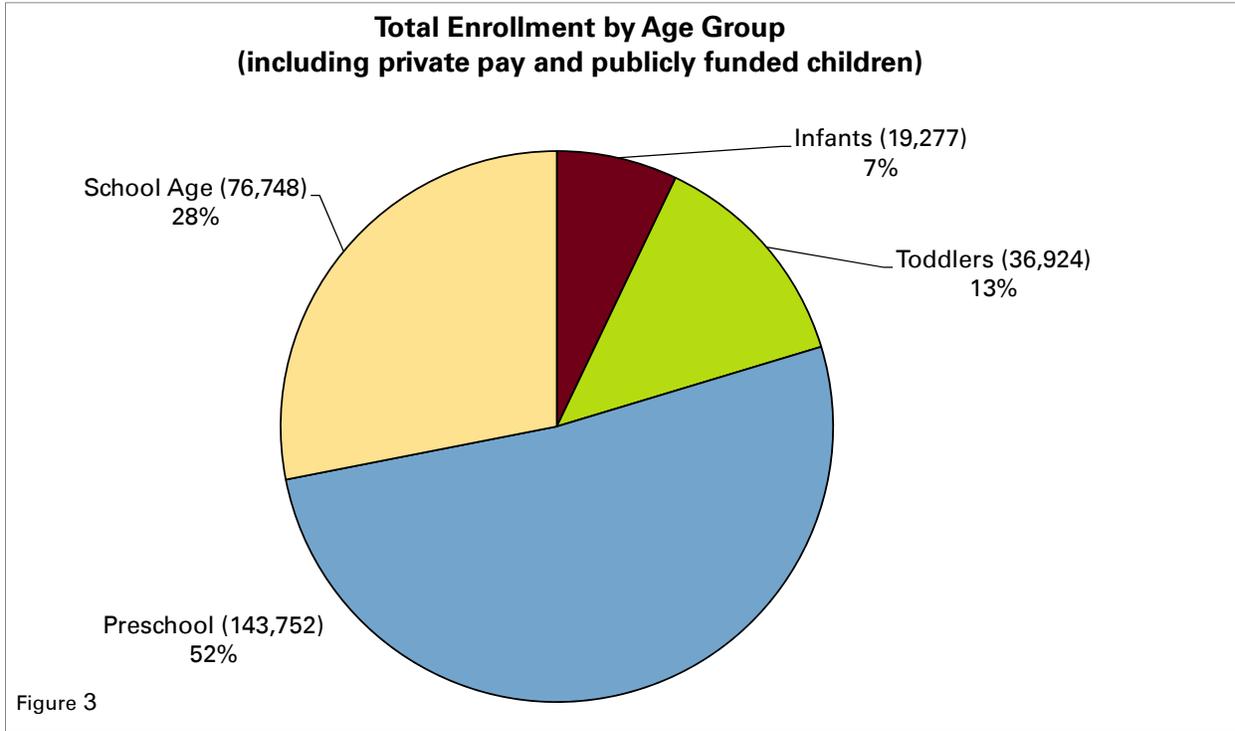


Figure 2

Enrollment

Ohio licensed child care providers have the capacity to serve 340,913 children, from infants to school age, at 4,359 centers and type A homes. At the end of SFY 2012, 276,701 children (81 percent of capacity) were being served by the 4,359 licensed facilities in Ohio. Figure 3 depicts the number of children served by age¹.



¹ Multiple children can fill one opening due to the offering of part-time child care services at full-time centers. One child may be duplicated if the child attends both a licensed child care center and a type A home.

Inspections

Inspections Overview

In SFY 2012, licensing specialists completed 8,144 inspections in licensed child care facilities in Ohio. Of those inspections, 1,026 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.

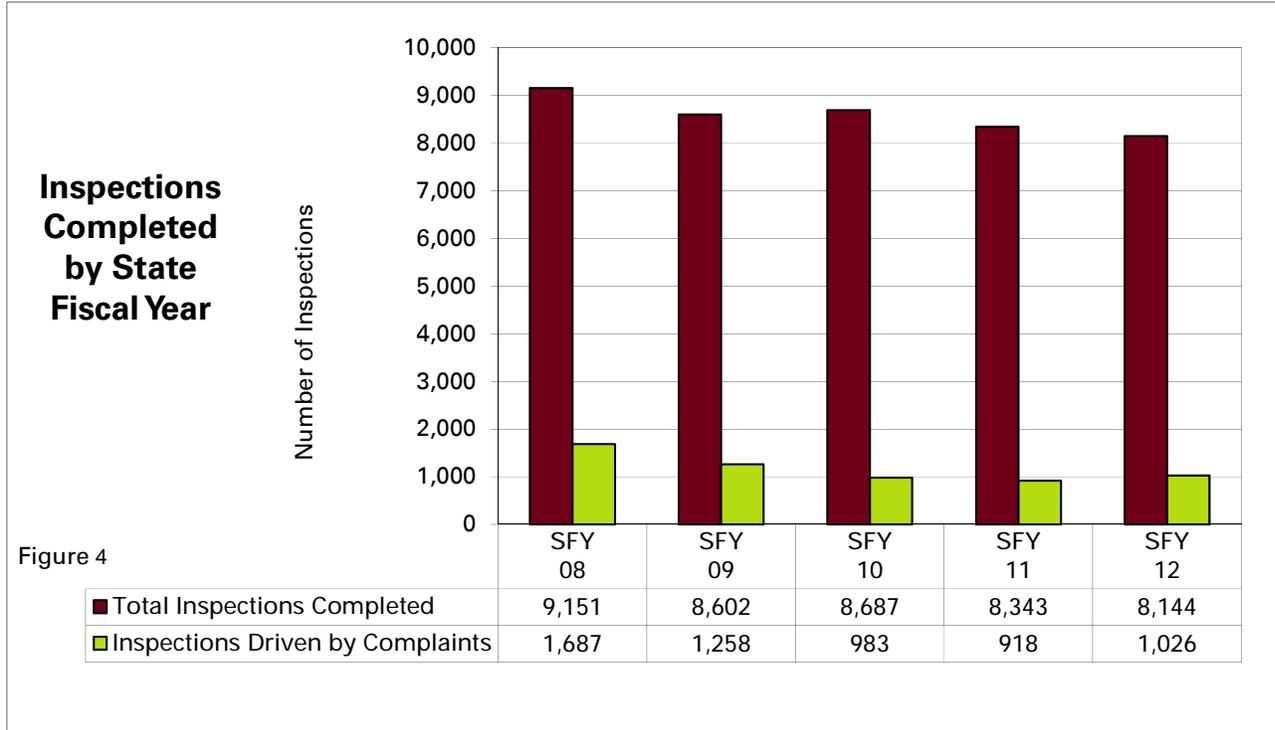


Figure 4

Summary of Compliance Findings

During on-site inspections, licensing specialists determine whether each program is in compliance with 42 separate licensing rules and their numerous subparts. The rules most frequently cited as out of compliance are easily observable and verifiable. For example, nearly one-third of the most-cited rules are associated with personnel or staffing documentation.

The following table shows the number of violations found for each of those most-cited rules in SFY 2012. In order to help programs correct problems and achieve compliance, ODJFS provides information explaining common violations, suggests best practices that can be put in place to achieve compliance, and offers training and monitoring recommendations.

Rules Most Often Cited as Out of Compliance	
Rule	Total Number of Violations Determined in SFY 2012
Statement of Non-Conviction and Criminal Records Check (BCII/FBI Background Checks)*	4,816
Employee Records	4,065
Medical/Enrollment Records	3,563
Safe Indoor Equipment/Environment*	3,071
Children's Attendance Records	2,320
Administration of Medication*	2,145
Sanitary Indoor Equipment/Environment	1,676
Medical/Dental/General Emergency Plan	1,472
Persons Trained in First Aid/CPR and in Prevention, Recognitions and Management of Communicable Disease and Child Abuse Recognition	1,366
Care Plan for Children with Health Conditions*	1,106
Total	25,600

* Denotes a Serious Risk Noncompliance category

Detailed Compliance Findings

The following tables show the number of rule violations documented in SFY 2012, grouped by category. A brief description of each rule category is provided on the left.

Licensure/Approval Findings

In order to be licensed, child care facilities must secure and retain inspection approvals in the areas of building standards, fire prevention and food service safety.

Licensed programs are required to give licensing specialists 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 greatest number of children in each age category (infants; young toddlers, 18 to 30 months; older toddlers, 30 months and up; preschool; and school-age) authorized to be cared for in the center at any one time.

Licensure/Approval Findings	
Rule Violation	2012 Findings
Fire Department Approval	148
License Capacity	130
Building Approval	118
Food Service Licensure/Food Catered	167
Application Denial/License Revocation	31
Inspection/Investigation Rights	6
Total	600

Children's Records Findings

Programs are determined to be noncompliant when new or updated medical statements for each child are not available for review. 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.

Children's Records Findings	
Rule Violation	2012 Findings
Medical/Enrollment Records	3,563
Care Plan for Children with Health Conditions	1,106
Total	4,669

Space/Program Findings

The minimum requirement for indoor floor space is 35 square feet per child. 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 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.

Space/Program Findings	
Rule Violation	2012 Findings
Outdoor Play Equipment	1,058
Transportation Procedural Requirements	723
Transportation/Driver Requirements	666
On-site Outdoor Play Space	586
Transportation/Vehicle Requirements	585
Outdoor Play Fall Surface	351
Separation of Infants and Toddlers Under 2 ½ Years	120
Evening and Overnight Care	60
Swimming and Water Safety	47
Smoke-Free Environment	34
Indoor Floor Space	21
Parks/Indoor Play Space	7
Total	4,258

Infant/Toddler Care Findings

Infant programs are required to offer activities that are suitable to the age levels and abilities of the infants in care. Any crib purchased or obtained after June 28, 2011, must meet the new Consumer Product Safety Commission safety standards. Cribs purchased or obtained prior to this date had to be replaced by December 2012.

Infant/Toddler Care Findings	
Rule Violation	2012 Findings
Cribs	1,063
Infant Food/Formula	731
Hand Washing and Basic Precautions	592
Diapering and Toilet Training	415
Infant Daily Program	219
Infant Caregiver	73
Total	3,093

Classroom Findings

This category includes a wide range of rules, from “Safe Indoor Equipment/Environment” to “Care and Nurturing of Children,” which requires that staff be responsible for the well-being and safety of each child in care, and for meeting each child’s basic needs. Some common noncompliant findings in this category are play equipment in need of repair, cleaning supplies or chemicals that are accessible by children, and insufficient staff-to-child ratios.

Classroom Findings	
Rule Violation	2012 Findings
Safe Indoor Equipment/Environment	3,071
Sanitary Indoor Equipment/Environment	1,676
Medical/Dental/General Emergency Plan	1,472
Staff/Child Ratios	842
Supervision	393
Equipment/Materials	573
Programming Environment	425
Group Size	407
Care/Nurturing of Children	387
Cots	274
Child Guidance/Management	140
Tooth Brushing	86
Total	9,746

Staff Requirements Findings

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

Staff Requirements Findings	
Rule Violation	2012 Findings
Statement of Non-Conviction and Criminal Records Check	4,816
Employee Records	4,065
Persons Trained in First Aid/CPR and in Prevention, Recognition and Management of Communicable Disease and Child Abuse Recognition and Prevention	1,366
Child Care Staff Educational Requirements	995
In-Service Training	888
Administrator Responsibilities/Time On-Site	292
Administrator Qualifications	183
Total	12,605

Food/Nutrition Findings

Programs are required to ensure that all meals for children, whether they are provided by the program or by parents, meet minimum U.S. Department of Agriculture nutritional standards. Posting a menu provides parents and guardians with information about the meals served each day. A common noncompliance in this category is that posted menus do not reflect what is actually served by the program. This frequently is due to last minute changes when food that is intended to be served is not available for preparation.

Food/Nutrition Findings	
Rule Violation	2012 Findings
Menus	696
Requirement for Meals/Snacks	321
Infant Formula and Toddler Milk	155
Food Safety and Sanitation	136
Requirement for Food Provided by Parents	98
Interval of Meals/Snacks	14
Total	1,420

Emergency Planning Findings

When a child becomes ill, has an accident, or requires first aid or medical treatment while in care, the program is required to complete an incident/injury report and give it to the parent, guardian or other individual picking up the child on the same day. A common non-compliance in this category is first aid kits that contain missing items such as adequate band-aids, thermometers, and other required items. The second common non-compliance that occurs is when programs fail to report incident and injuries. Serious incidents and injuries are required to be reported to ODJFS within a specified period of time.

Emergency Planning Findings	
Rule Violation	2012 Findings
First Aid Supplies/Procedures	988
Incident/Injury Reporting	138
Total	1,126

Center Policy Findings

Center policies and procedures must be provided to parents, guardians and employees of each program. If a program chooses to administer medication, proper procedures must be followed to ensure the safety of the child. Noncompliances in this category are typically the result of incomplete program information or information not being consistently available.

Center Policy Findings	
Rule Violation	2012 Findings
Administration of Medicine	2,145
Center Information/ Policies/Procedures	349
Management of Illness	124
Total	2,618

Staffing/Attendance Findings

Daily attendance records help ensure that children are safe and properly supervised. They are particularly critical during evacuations and emergencies. Child care staff members are responsible for maintaining these records and for knowing the whereabouts of the children in their care at all times. Noncompliances in this area occur when children's names are not included on rosters, when staff members fail to note a child's arrival or departure, or when an insufficient number of staff members are present to supervise children.

Staffing/Attendance Findings	
Rule Violation	2012 Findings
Attendance	2,320
Second Adult	84
Substitutes	56
Children Combined When No More than 12 on Premises Staff/Child Ratios	37
Total	2,497

Complaints

ODJFS is mandated to investigate complaints regarding allegations of violations of Ohio's licensing regulations. The department received and investigated 1,064 complaints during SFY 2012. These included 2,312 allegations of noncompliances with child care licensing rules. Often, multiple allegations are made within one complaint. Upon inspection, it is common for some but not all of the allegations to be substantiated. Of the allegations reported in SFY 2012, 526 were substantiated. The top three allegations concerned staff/child ratios, care and nurturing of children, and child guidance and management.

The table on page 14 summarizes the number of complaints received and subsequent determinations made in SFY 2012. Unsubstantiated allegations were found not to have occurred. Undetermined allegations could not be proven true or false.

SFY 2012 Complaints Summary

Total Received	Average Received/ Month	Alleged Violations	Unsubstantiated	Substantiated	Undetermined
1,064	88	2,312	78	526	1,708

Most Frequently Alleged Violations	# of Times Alleged
Staff/Child Ratios	502
Care/Nurturing of Children	330
Child Guidance and Management	299
Safe/Sanitary Indoor Equipment/Environment	260
Meals and Snacks	121
Transportation	101
Incident/Injury Reporting	100
Center Information/Policies/Procedures	82
Criminal Records Checks for Staff	71
Administrative Qualification/Responsibilities	40

Incident/Injury Management

Incident/injury reports allow ODJFS to collect data and identify patterns related to when and why children are injured in child care. They allow trends to be analyzed and recommendations to be made for improved injury prevention strategies.

The department received 733 reports of serious incidents and injuries in licensed child care facilities during SFY 2012. A serious incident or injury is defined as “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 homes are required by rule to forward notice of all such incidents to ODJFS. All incident/injury reports submitted to ODJFS are entered into a database; however, ODJFS licensing specialists do not make determinations of whether a submitted incident or injury report is serious as defined in rule. The three most frequently specified types of injuries reported were non-injury-related incidents, cuts and bumps/bruises. Examples of non-injury-related incidents are when a child is left unattended, when transportation incidents occur without injury or when a medication is found on a playground but no child is injured.

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

Figure 5 shows the top 10 most frequently reported serious incidents by injury type, including the number and percent of total incident/injury reports that were received in SFY 2012. Some incidents may be duplicated if more than one category was appropriate.

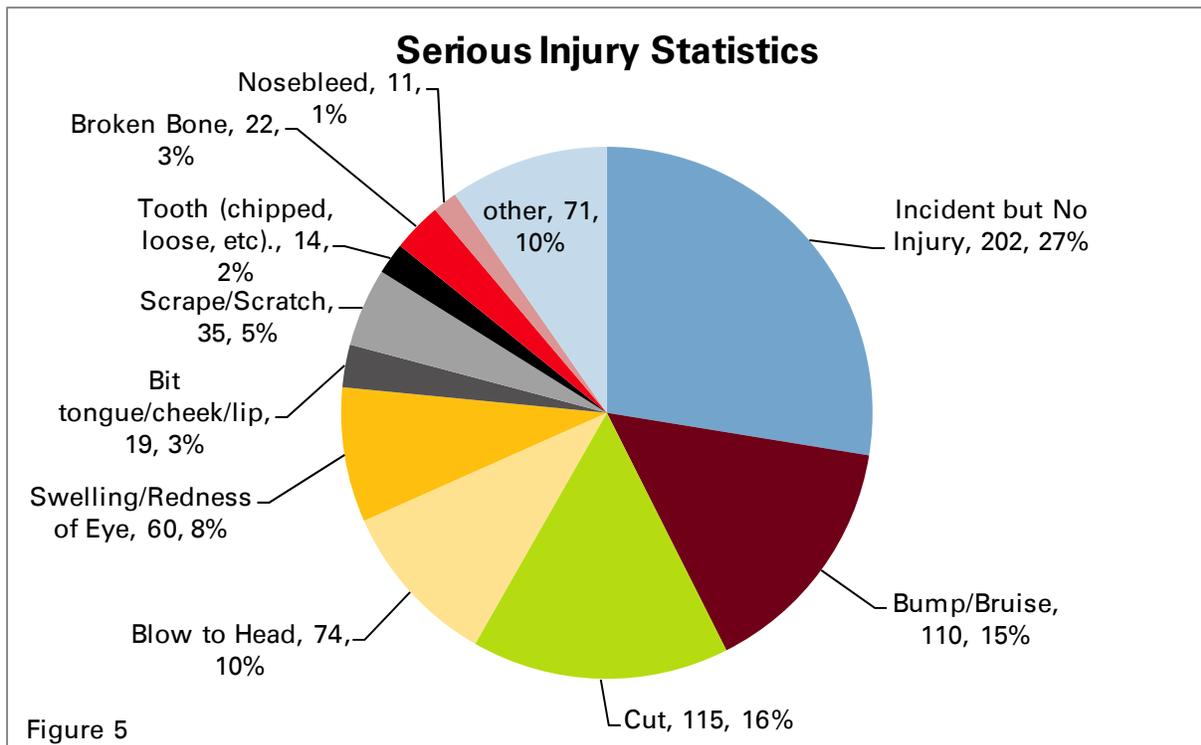


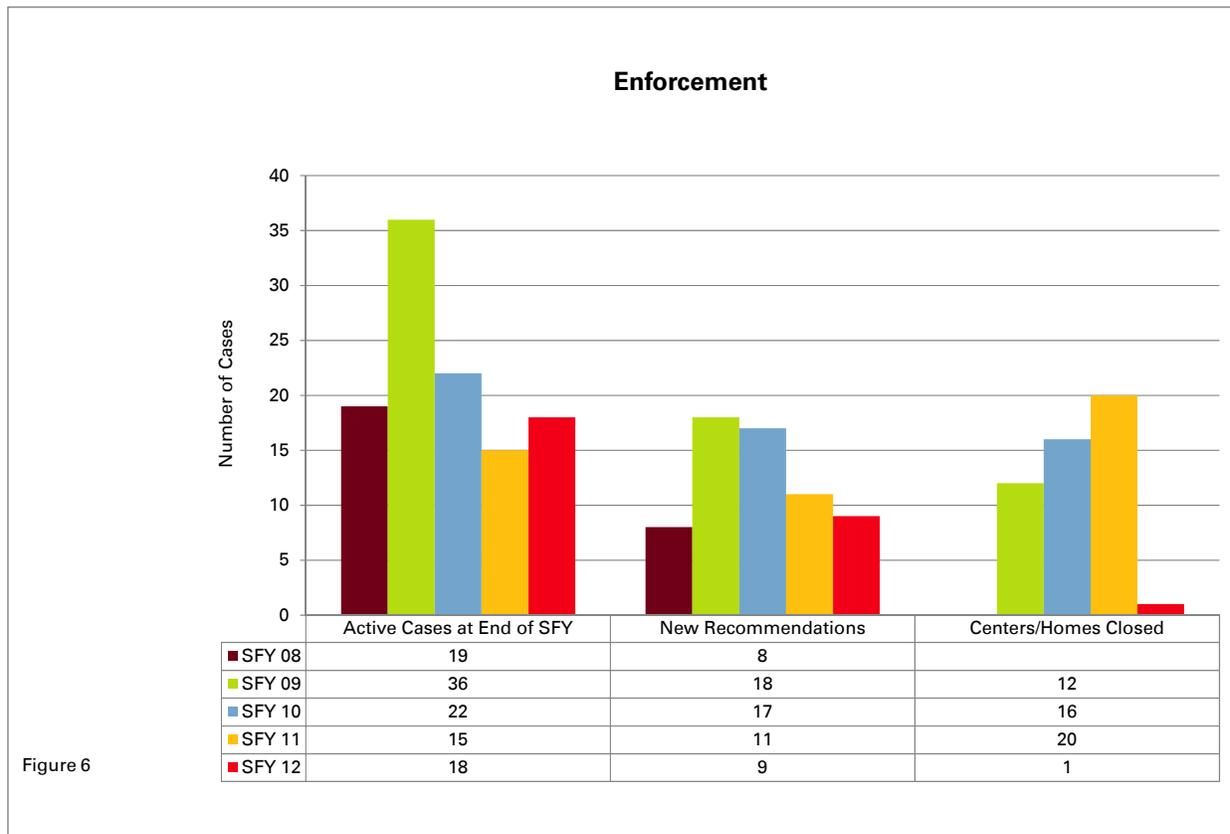
Figure 5

Enforcement

Steps Taken to Address Violations

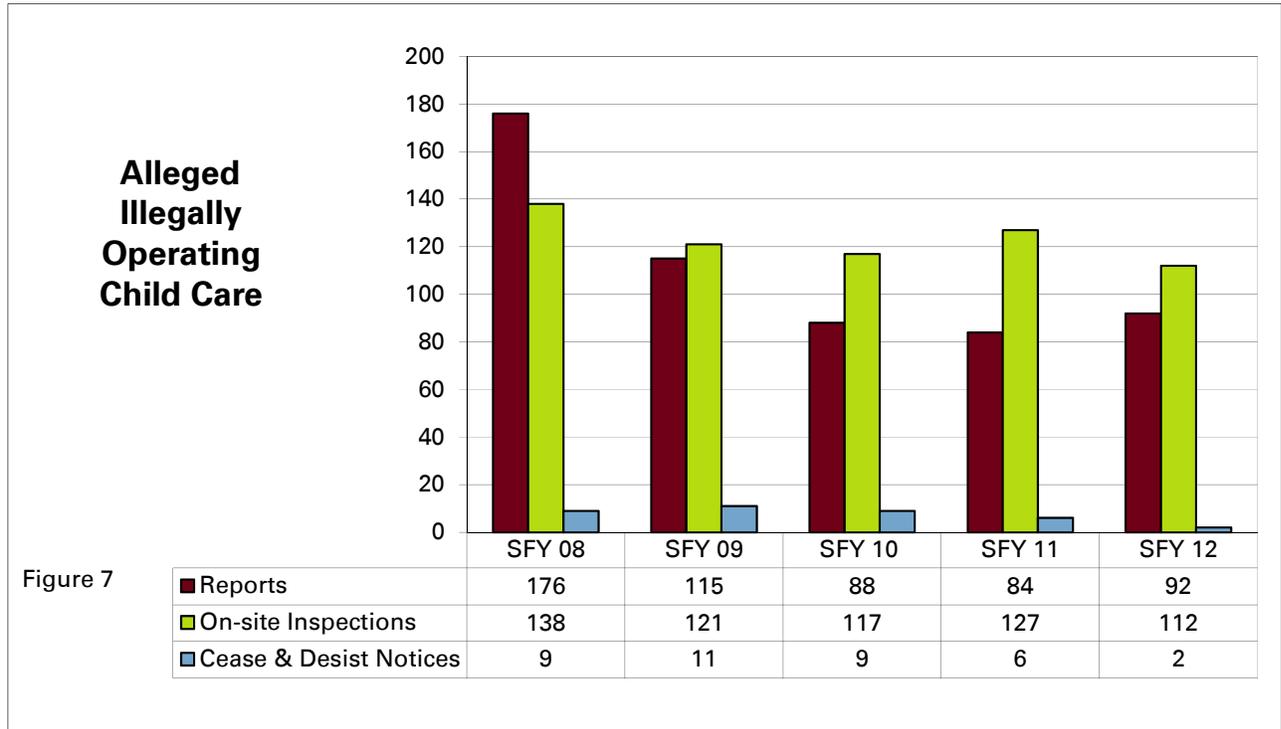
Licensed programs are mandated to submit corrective action plans for all rule violations. This is followed by technical support and varying degrees of monitoring, including unannounced visits by licensing specialists. As a last resort for programs that fail to achieve compliance, ODJFS may revoke the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

ODJFS had 18 active enforcement cases at the end of SFY 2012, including nine new cases in which license revocation was recommended. One center was closed through this process in SFY 2012. Figure 6 shows the number of active enforcement cases for SFY 2008 through SFY 2012.



Reports of Alleged Illegally Operating Child Care

ODJFS received 92 reports of unregulated child care in SFY 2012. Illegally operating child care is unlicensed care for more than six children on a regular basis in the provider’s home. Licensing supervisors conducted 112 on-site inspections at these homes, and the Attorney General’s Office sent two “cease and desist” notices. All other unlicensed programs were subsequently determined to be operating within legal limits and not required to be licensed. ODJFS follows up on all reports of alleged illegally operating child care. As indicated in Figure 7, the department has continued to increase the number of inspections conducted relative to the number of alleged illegally operating child care reports received.



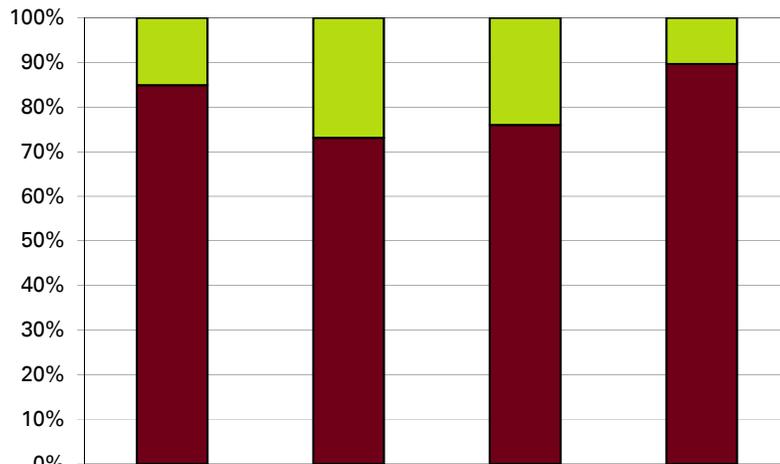
Day Camp Criminal Records Check Compliance Sweep

All child day camps in Ohio are required to register with ODJFS, and all camps must obtain new criminal records checks for all staff prior to employment. In SFY 2012, 211 camps were registered in Ohio. On June 25, 2011, ODJFS randomly chose 29 camps and conducted desk reviews to ensure that criminal record check documents for all staff were on file. Of those 29 camps, two did not respond. The figures on page 18 show the level of criminal record check compliance for the 27 programs that responded. At the time of review, 90 percent of the monitored camps and 97 percent of the monitored staff were in compliance. Camps that did not meet the statutory requirements at the time of monitoring were given 30 days to achieve compliance.

Day Camp Criminal Background Check Compliance

90% of programs monitored were in compliance at the time of review.

Figure 8

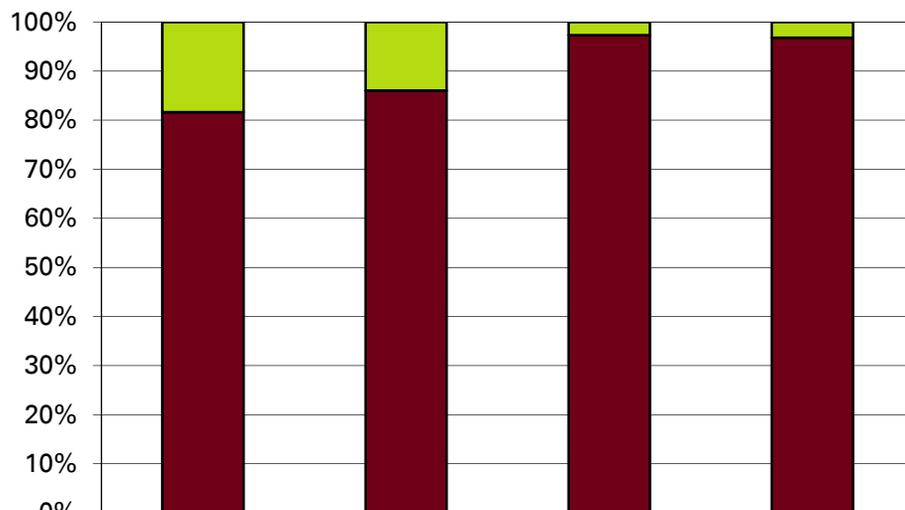


	SFY 09	SFY 10	SFY 11	SFY 12
Camps out of Compliance	13	7	6	3
Camps in Compliance	73	19	19	26

Day Camp Staff Criminal Background Check Compliance

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

Figure 9



	SFY 09	SFY 10	SFY 11	SFY 12
Staff out of Compliance	169	48	9	7
Staff in Compliance	750	296	327	211

System Improvements Impacting Licensing

Legislation

Legislative language was enacted during this fiscal year that allowed ODJFS to provide efficiencies for child care providers and ODJFS staff.

- Continuous licensing means that providers will now apply one time and pay a licensing fee once. ODJFS staff will continue to inspect each program a minimum of twice per year, but will not need to reassess an application each year.
- The definition of provisional license was changed from six months to 12 months. This gives ODJFS an opportunity to monitor the program in full operation prior to issuing a continuous license. Allowing more time will permit ODJFS to provide additional technical assistance to better support new businesses. This gives ODJFS the opportunity to conduct more extensive monitoring prior to issuing a continuous license.

Rule Review

ODJFS continues to perform a statutorily mandated five-year review of all rules. All proposed and final rule revisions related to child care centers and type A homes are available for viewing and comment via 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/>

On September 29, 2011, licenses for child care centers and type A homes became continuous (non-expiring). This change eliminated the requirement that licenses be renewed every two years, saving administrative time for both licensed programs and ODJFS. At the same time, the provisional license period for new programs was extended from six to 12 months. Several other efficiency changes also were made, including removal of the requirement for child care staff to have three references for employment, removal of the requirement for child care staff to update their medical statements every three years, and the removal of staff from the determination of license capacity.

In SFY 2012, ODJFS began a complete overhaul of the licensing rules. All rules are being reviewed and streamlined for efficiency and consistency. They also are being reorganized to be more user-friendly. A new chapter of rules for programs that serve only school-age children also will be created. These rules will be effective in early 2015.

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 help them make informed choices on behalf of their children. By the end of SFY 2012, Ohio had 1,113 star-rated early care and education programs serving 63,386 children in 84 Ohio counties, an increase of 16 star-rated programs from SFY 2011. It is important to note that while there were only 16 more rated programs this fiscal year than last, this number includes 956 programs that renewed their ratings and 157 newly rated programs.

SUTQ star-rated programs qualify for monetary awards, in the form of Quality Achievement Awards and subsidy payment enhancement. In SFY 2012, Ohio awarded Quality Achievement Awards totaling \$9,240,700. The average award to each center was approximately \$8,120, which was a \$485 increase compared to SFY 2011. Most recipients chose to use their awards for classroom support, increased staff compensation and enhanced activity centers. Subsidy enhancement is a percentage increase on publicly funded child care rates based on a provider's star level and the number of publicly funded children served. Parents can search for star-rated programs at <http://jfs.ohio.gov/CDC/childcare.stm>. For more information about SUTQ, visit <http://jfs.ohio.gov/cdc/StepUpQuality.stm>.

Early Learning Challenge Grant

In December 2011, Ohio was one of nine states awarded the Race to the Top–Early Learning Challenge Grant, which was developed in partnership between ODJFS and the Ohio Department of Education (ODE). The grant award of almost \$70 million will be used to improve the quality of programs that serve children with high needs, from birth to age 5. ODJFS is the lead agency on several projects described in the grant, including the revision of Step Up To Quality (SUTQ) and a major redesign of the data systems used to support the work of both SUTQ and child care licensing.

The new system will be modern in design and web-based to allow a single point of entry for state/county staff members and providers to perform all licensing, SUTQ and subsidized payment functions. The system will be used by ODJFS and ODE staff members who have been working collaboratively to develop it. The SUTQ revision is expected to be completed by July 2013, and the licensing component by January 2015. The system also will support the licensing and SUTQ participation of (type B) family child care providers.

John R. Kasich, Governor
Michael B. Colbert, Director
January 2013

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