



**ANNUAL  
CHILD CARE  
LICENSING REPORT  
State Fiscal Year 2013**

**Office of Family Assistance**



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## Introduction

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The Annual Child Care Licensing Report provides information regarding the licensing inspections performed by the Ohio Department of Job and Family Services (ODJFS), Office of Family Assistance, Bureau of Child Care Licensing and Monitoring, 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 outline licensing activities performed during state fiscal year (SFY) 2013, between July 1, 2012, and June 30, 2013. 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. During the period of this report, Type B Homes were not required to be licensed and thus are not the subject of this report.

## Overview

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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 operation of a child care business. New centers and Type A Homes initially are licensed for a one-year provisional period. Once centers and Type A Homes demonstrate full compliance, the provisional license is amended to a non-expiring continuous license. Full-time 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 licensing visit and one SUTQ visit each year. Part-time centers are inspected once each year. All inspections are mandated by the ORC to be unannounced. In addition to routine inspections, 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 a report with details regarding the on-site inspection. At the conclusion of each inspection, the program is provided with a copy of the licensing inspection, which describes areas determined to be compliant and non-compliant. Programs determined to be non-compliant must submit a corrective action plan, which is outlined in the inspection report.

At the end of SFY 2013, Ohio had 4,401 licensed child care programs, including 4,152 child care centers and 249 Type A Homes, serving 252,625 children.

During SFY 2013, the ODJFS Bureau of Child Care Licensing and Monitoring successfully performed 8,158 inspections, licensed 254 new programs, and provided ongoing technical assistance and training to the child care community in support of promoting quality care to Ohio's children. In comparison during SFY 2012, 8,343 inspections were completed and 321 new programs were licensed..

The five most frequent licensing rule violations for centers and Type A Homes during this reporting period include:

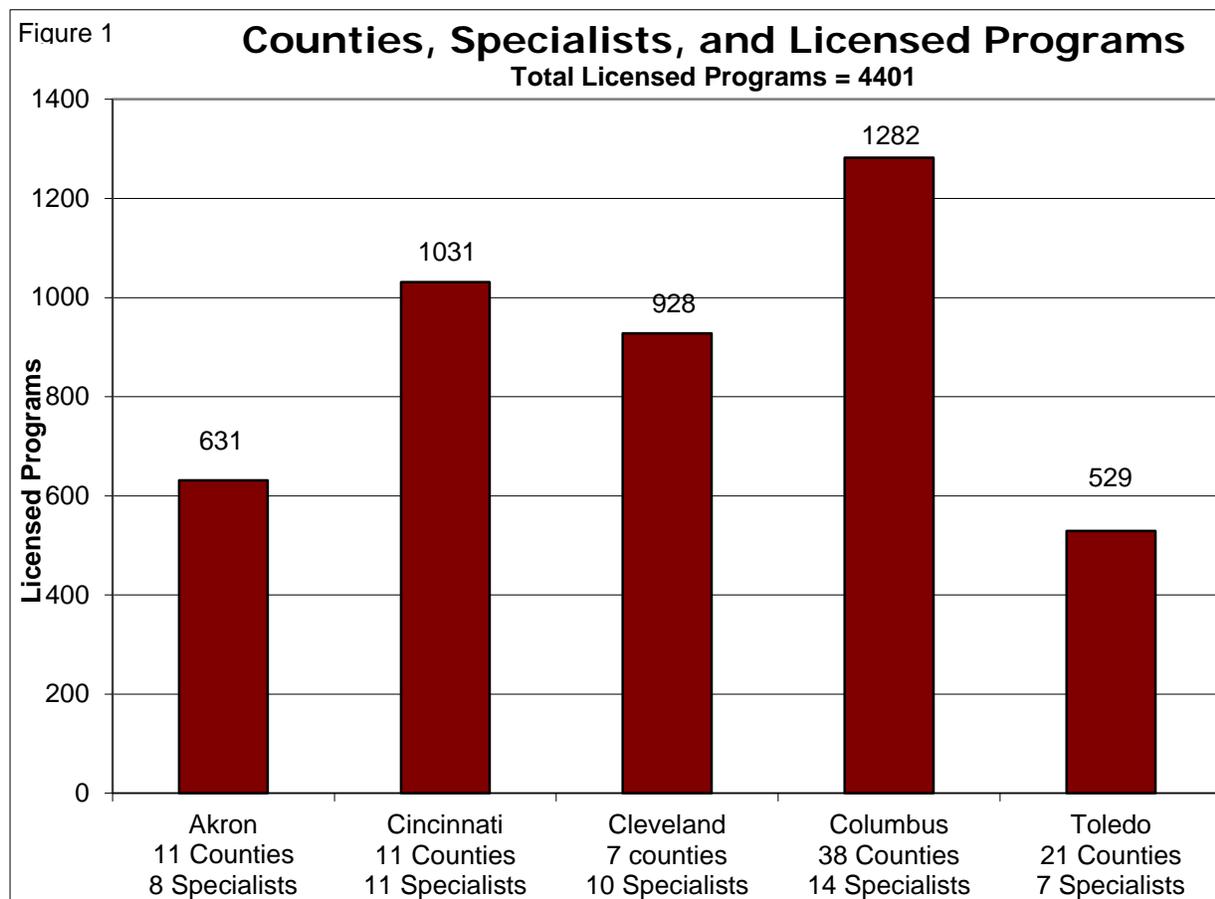
- 1) Statement of non-conviction and criminal records check
- 2) Medical/enrollment records
- 3) Employee records
- 4) Safe indoor equipment/environment
- 5) Medical/Dental/General Emergency Plan

## Licensing Staff

ODJFS child care licensing specialists are responsible for licensing and monitoring child care centers and Type A Homes, as well as registering summer day camps. 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. Licensing supervisors also investigate reports of illegally operating Type B programs that are serving more than the statutory limit of six children.

Child care licensing staff are located in five regional ODJFS offices: Canton (which has transitioned to Akron since the end of SFY 2013), Cincinnati (which has since transitioned to Dayton), Cleveland, Columbus and Toledo. The Bureau of Child Care Licensing and Monitoring is managed by a bureau chief who oversees all the operations, planning and development for child care licensing. 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 programs by region.



## **Technical Assistance**

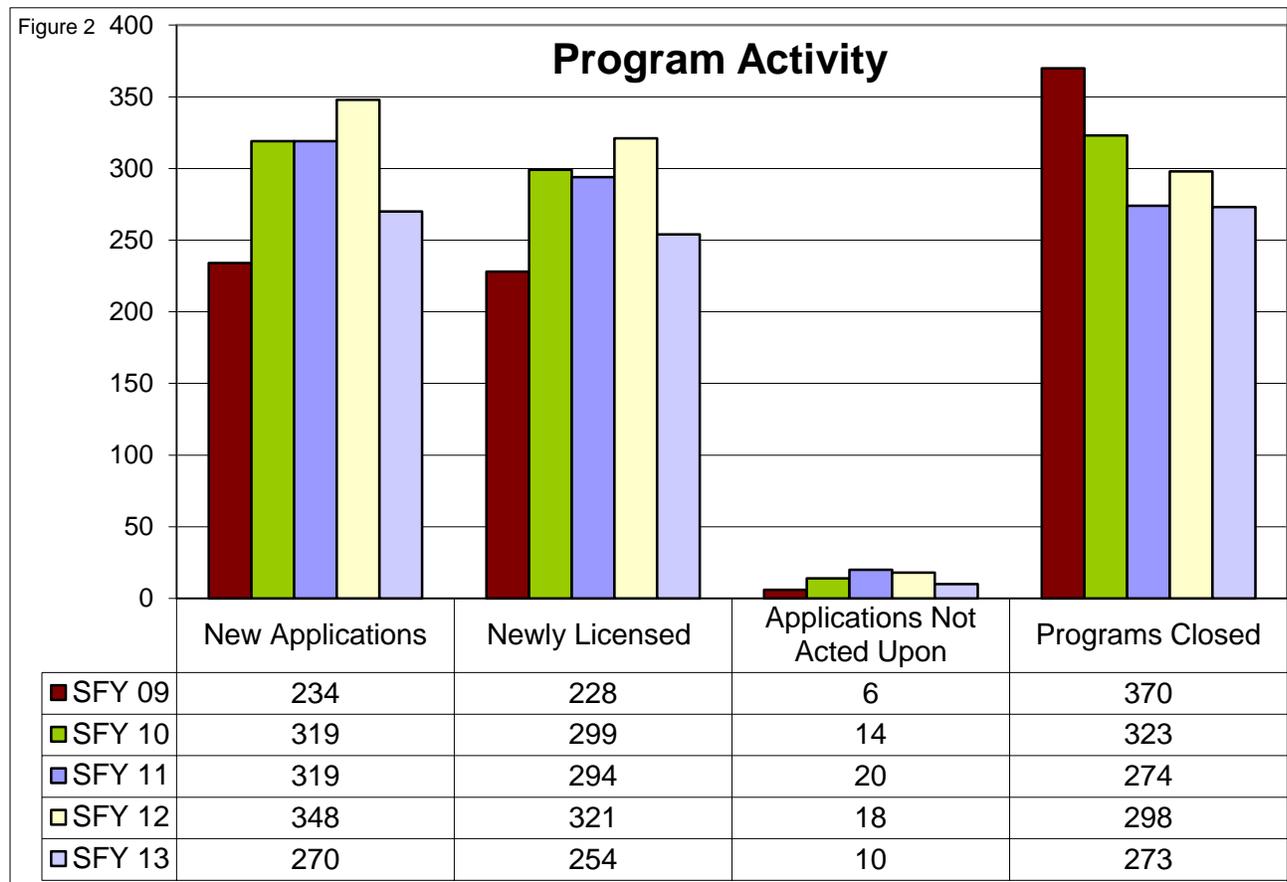
In addition to monitoring and facilitating compliance through inspections and complaint investigations, licensing specialists offer technical assistance and training to the child care community to promote quality child care in Ohio. Technical assistance consists of providing suggestions for reaching or maintaining compliance with minimum health and safety requirements, as well as suggestions for exceeding minimum licensing requirements. Trainings on how to achieve and maintain health, safety and licensing requirements are conducted regularly with new administrators throughout the state. During the most recent reporting period, 1,266 program administrators participated in 26 administrator rule training sessions.

## Program Demographics

### Program Activity

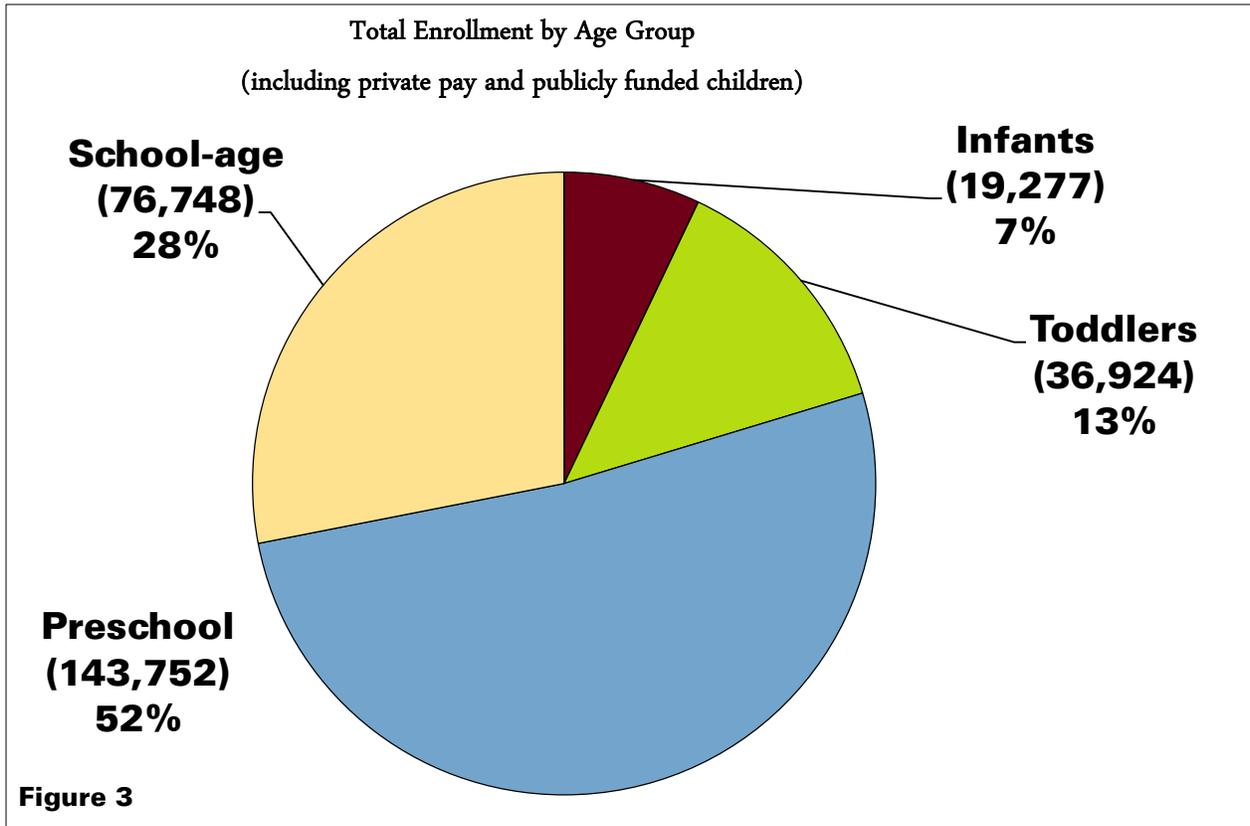
During SFY 2013, the ODJFS Child Care Licensing Section received 270 new applications for licensure, compared to 348 in SFY 2012. Of those 270 new applications, ODJFS licensed 254 programs.

Figure 2 compares the number of applications received, programs licensed and programs closed over a five-year period. Data is collected for the reasons behind program closure. Programs primarily cease operations due to voluntarily closing, relocation or change of ownership. An application not acted upon typically is an application that does not include all the required components such as the payments or the plan of operation.



## Enrollment

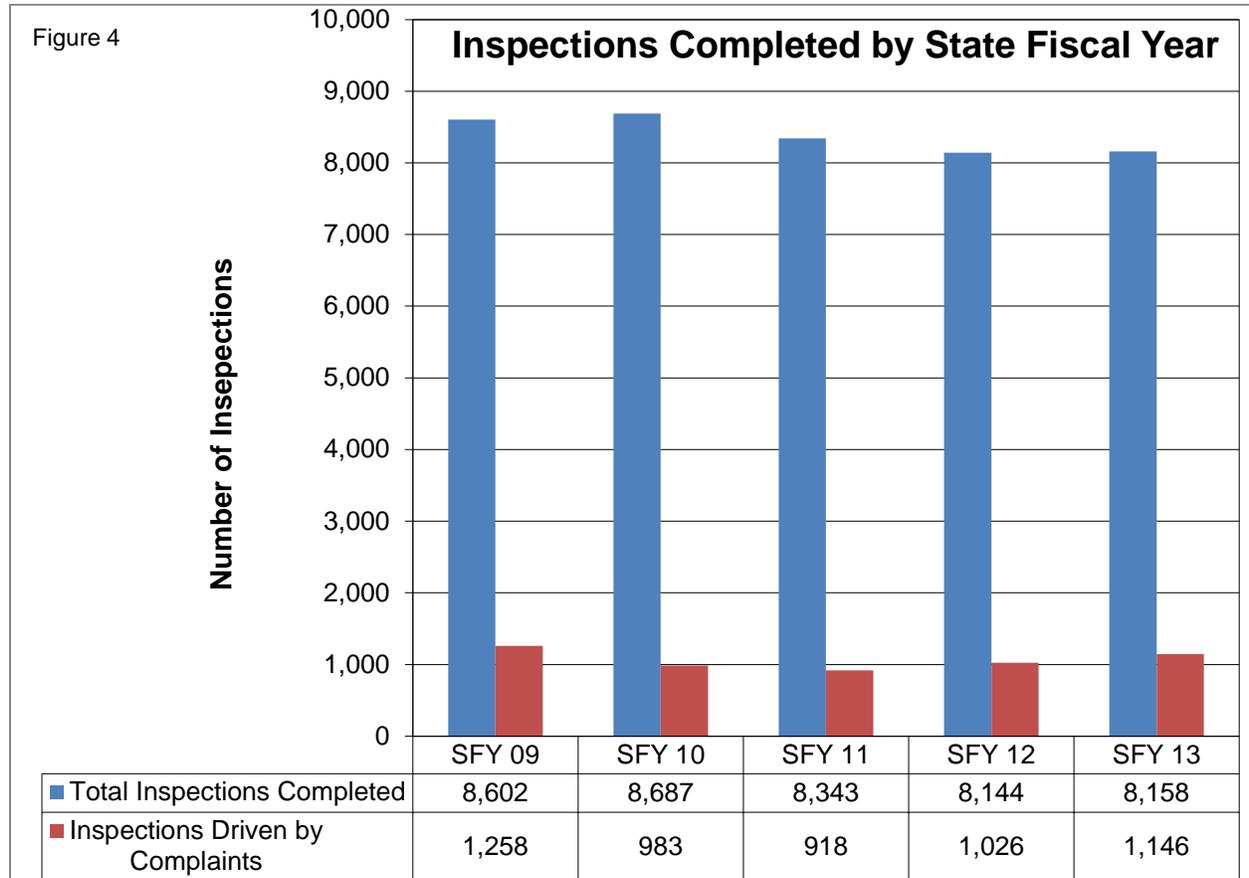
Ohio's licensed child care programs had the capacity to serve 345,039 infants, toddlers, preschool and school-age children at 4,401 centers and Type A Homes. At the end of SFY 2013, the 4,401 licensed facilities had 276,701 children enrolled. Figure 3 depicts the number of children enrolled by age group.



## Inspections

### Inspections Overview

In SFY 2013, licensing specialists completed 8,158 unannounced inspections in licensed facilities in Ohio. Of those inspections, 1,146 were initiated because of complaints. Figure 4 illustrates the number of inspections completed during each of the past five SFYs, along with the number of complaint investigations.



## Summary of Compliance Findings

During on-site inspections, licensing specialists verify the compliance of each program through observations, interviews and file audits with 42 separate licensing rules and their numerous subparts. Nearly one-half of the rules cited are associated with personnel or staffing documentation.

The following table illustrates the most frequent rule violations for SFY 2013. 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.

<b>Rules Most Often Cited as Out of Compliance</b>	
<b>Rule</b>	<b>Total Number of Violations Determined in SFY 2013</b>
Statement of Non-Conviction and Criminal Records Check (BCII/FBI Background Checks)	5,350
Child Medical/Enrollment Records	4,302
Employee Records (e.g. No employee file, no orientation, no medical statement)	4,063
Safe Indoor Equipment/Environment	3,159
Program Medical/Dental/General Emergency Plan	2,701
Attendance	2,360
Administration of Medicine	2,313
Sanitary Indoor Equipment/Environment	1,870
Persons Trained in First Aid/CPR and in Prevention, Recognitions and Management of Communicable Disease and Child Abuse Recognition	1,686
Cribs	1,408
Total	29,212

## Summary of Serious Risk Noncompliance Findings

Serious Risk Noncompliances (SRNCs) are rules that may lead to the greatest risk of harm and may immediately endanger the health and safety of children while in care. Violation of an SRNC rule has the potential to lead to the greatest risk of harm to, or even death of, a child. The violation must be observable, not inferable. SRNC violations are highlighted in red on the inspection report. The table below demonstrates the most frequently cited SRNC rule violations.

<b>Serious Risk Noncompliance Rules Most Often Cited as Out of Compliance</b>	
<b>Rule</b>	<b>Total Number of Violations Determined in SFY 2013</b>
Staff/Child Ratios	706
Hazardous Chemicals Accessible to Children	289
Background Checks Not Requested for Staff	241
Health Care Plan Not Signed by Parent and/or Child Care Staff Member	232
No Health Care Plan on File	226
Absent Supervision	202
Out of Ratio Multiple Times During an Inspection	173
Statement of Non-Conviction Not on File	158
Infant Cribs	145
Background Checks Requested and Not Returned within 30 Days	133
Total	2,505

## Detailed Compliance Findings

The following tables indicate the number of rule violations documented in SFY 2013, grouped by category. A brief description of the rule category is provided on the left.

### Licensure/Approval Findings

In order to be licensed, child care programs 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. Programs must have a valid license in order to operate a facility that serves more than six children at any time.

Both the program's license and all inspection reports for the last two years are required to be posted in the program's building for review.

Licensure/Approval Findings	
Rule Violation	2013 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 program include emergency contact numbers, detailed immunization records, lists of allergies, documentation of 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	2013 Findings
Medical/Enrollment Records	4,302
Care Plan for Children with Health Conditions	1,195
Total	5,497

### 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 surface or equipment in need of repair. Swimming and water safety rules provide guidelines for programs that either have swimming available on site or offer supervised water activities away from the center or Type A Home.

Space/Program Findings	
Rule Violation	2013 Findings
Outdoor Play Equipment	1,055
Transportation/Driver Requirements	873
Transportation Procedural Requirements	837
Transportation/Vehicle Requirements	605
On-site Outdoor Play Space	576
Outdoor Play Fall Surface	416
Separation of Infants and Toddlers Under 2 ½ years	139
Smoke-Free Environment	51
Evening and Overnight Care (e.g. no bedtime routines or security plan)	44
Swimming and Water Safety	44
Indoor Floor Space	29
Parks/Indoor Play Space	8
Total	4,677

### Infant/Toddler Care Findings

Programs that provide care to infants 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	2013 Findings
Cribs	1,408
Infant Food/Formula	822
Hand Washing and Basic Precautions	713
Diapering and Toilet Training	436
Infant Daily Program	282
Infant Caregiver	92
Total	3,753

## 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 to children, and insufficient staff-to-child ratios.

Classroom Findings	
Rule Violation	2013 Findings
Safe Indoor Equipment/Environment	3,159
Medical/Dental/General Emergency Plan	2,701
Sanitary Indoor Equipment/Environment	1,870
Staff/Child Ratios	996
Equipment/Materials	632
Supervision	620
Group Size	510
Programming Environment	470
Care/Nurturing of Children	405
Cots	305
Child Guidance/Management	131
Tooth Brushing	100
Total	11,899

### 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	2013 Findings
Statement of Non-Conviction and Criminal Records Check	5,350
Employee Records	4,063
Persons Trained in First Aid/CPR and in Prevention, Recognitions and Management of Communicable Disease and Child Abuse Recognition and Prevention	1,686
Child Care Staff Educational Requirements	1,167
In-Service Training	875
Administrator Responsibilities/Time On-Site	367
Administrator Qualifications	173
Total	13,681

### 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.

Food/Nutrition Findings	
Rule Violation	2013 Findings
Menus	811
Requirement for Meals/Snacks	386
Food Safety and Sanitation	205
Infant Formula and Toddler Milk	166
Requirement for Food Provided by Parents	131
Interval of Meals/Snacks	13
Total	1,712

### 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 provide a copy to the parent, guardian or other individual picking up the child on the same day. Programs also are required to have a first aid kit available in the event of accidents or emergencies. A common noncompliance in this category is first aid kits that are missing such items as bandages, thermometers and other required items. The second most common noncompliance occurs when programs fail to report serious incident and injuries, which are defined as situations occurring while a child is in the care of the program that requires emergency medical treatment, professional consultation or transportation for emergency treatment. Serious incident and injuries are required to be reported to ODJFS within 24 hours if the incident occurred during the week or 48 hours if the incident occurred on a weekend.

Emergency Planning Findings	
Rule Violation	2013 Findings
First Aid Supplies/Procedures	1,176
Incident/Injury Reporting	224
Total	1,400

### Program Policy Findings

Program 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 typically are the result of incomplete program information or information not being consistently available.

Program Policy Findings	
Rule Violation	2013 Findings
Administration of Medicine	2,313
Program Information/ Policies/Procedures	571
Management of Illness	234
Total	3,118

### Staffing/Attendance Findings

Daily attendance records help ensure that children are properly supervised and tracked. 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, 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	2013 Findings
Attendance	2,360
Second Adult	107
Substitutes	59
Children Combined When No More than 12 on Premises Staff/Child Ratios	59
Total	2,585

## Complaints

ODJFS is mandated to investigate complaints regarding alleged violations of Ohio’s licensing regulations. The Department completed 1,146 complaint investigations, which included a total of 1,920 allegations of noncompliances with child care licensing rules. After a licensing specialist completes an inspection and investigation, he or she makes a determination of the final disposition of the allegations. It is common for some, but not all, of the allegations to be substantiated. In SFY 2013, 484 allegations were substantiated. The top three allegations cited were staff/child ratios, child guidance and management, and safe/sanitary indoor equipment/environment.

The tables below summarize the number of complaints received, alleged violations and subsequent determinations. Unsubstantiated allegations were found not to have occurred, while undetermined allegations could not be proven true or false.

### SFY 2013 Complaints Summary

Total Complaint Inspections	Average Complaint Inspections/Month	Alleged Violations	Unsubstantiated	Substantiated	Undetermined
1,146	96	1,920	66	484	1,370

Most Frequently Alleged Violations	# of Times Alleged
Staff/Child Ratios	434
Child Guidance and Management	248
Safe/Sanitary Indoor Equipment/Environment	237
Care/Nurturing of Children	221
Incident/Injury Reporting	104
Meals and Snacks	103
Transportation	86
Program Information/Policies/Procedures	58
Programming/Equipment	46
Management of Illness	40

Five Most Frequently Substantiated Violations	# of Times Substantiated
Staff-Child Ratios	44
Child Supervision	34
Child Guidance and Management	18
Care/Nurturing of Children	8
Background Checks-Staff With Prohibitive Offense	5

## **Incident/Injury Management**

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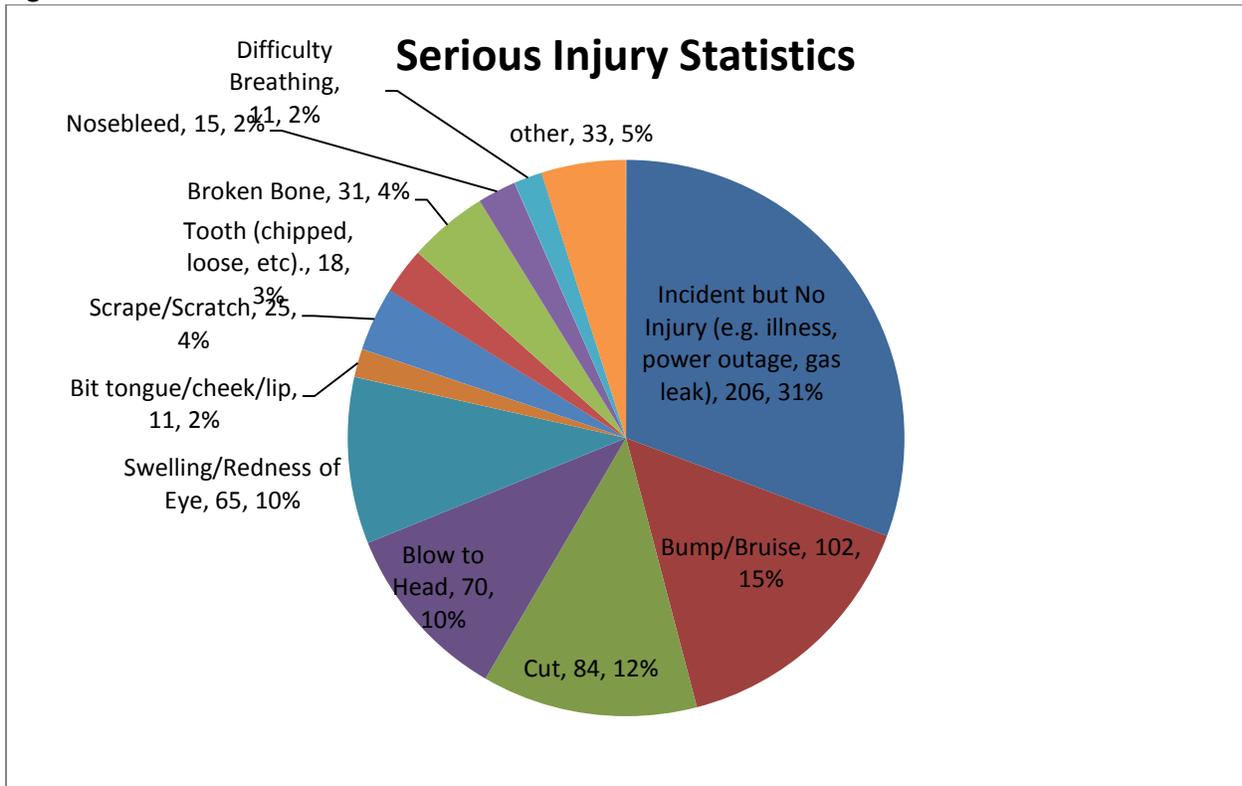
Incident/injury reports allow ODJFS to collect data and identify patterns related to when and why children are injured in child care. They also allow trends to be analyzed and recommendations to be made for improved injury prevention strategies.

The department received 671 reports of serious incidents and injuries in licensed child care facilities during SFY 2013. 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 to notify ODJFS of all serious incidents and injuries as defined above, as well as a death of a child while in care and any unusual or unexpected event at the program that may jeopardize a child’s health and safety. All incident/injury reports submitted to ODJFS are entered into a database; however, programs may submit a report for an incident that may not be defined as serious according to the Ohio Administrative Code rule. Therefore, some incidents included in Figure 5 are not considered serious in nature. The three most frequently specified types of injuries reported were non-injury-related incidents, minor cuts and bumps/bruises.

Licensing specialists investigate all incident/injury reports associated with a complaint and follow-up to ensure that programs are in compliance with all health and safety rules. The program is required to submit a corrective action plan, and the licensing specialist monitors the program to ensure that the plan is implemented. Additionally, licensing specialists provide technical assistance to programs so they can prevent incidents and injuries in the future.

Figure 5 on the next page depicts 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 2013. Some incidents may be duplicated if more than one category was appropriate.

Figure 5



## Enforcement

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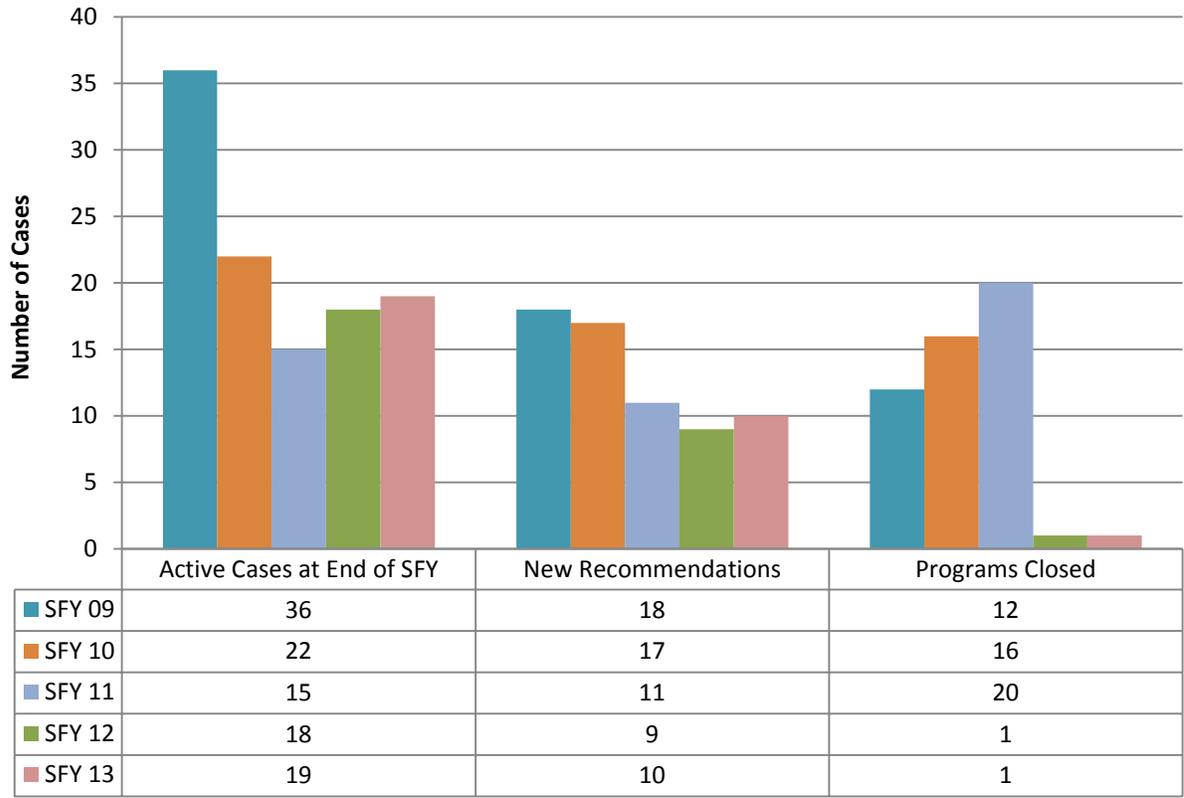
### Steps Taken to Address Violations

Licensed programs are mandated to submit corrective action plans for all rule violations. This is followed by technical assistance and varying degrees of monitoring, including unannounced inspections 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 19 active enforcement cases at the end of SFY 2013, including 10 new cases in which license revocation was recommended. One program was closed through this process in SFY 2013. Figure 6 shows the number of active enforcement cases for SFYs 2009 through 2013.

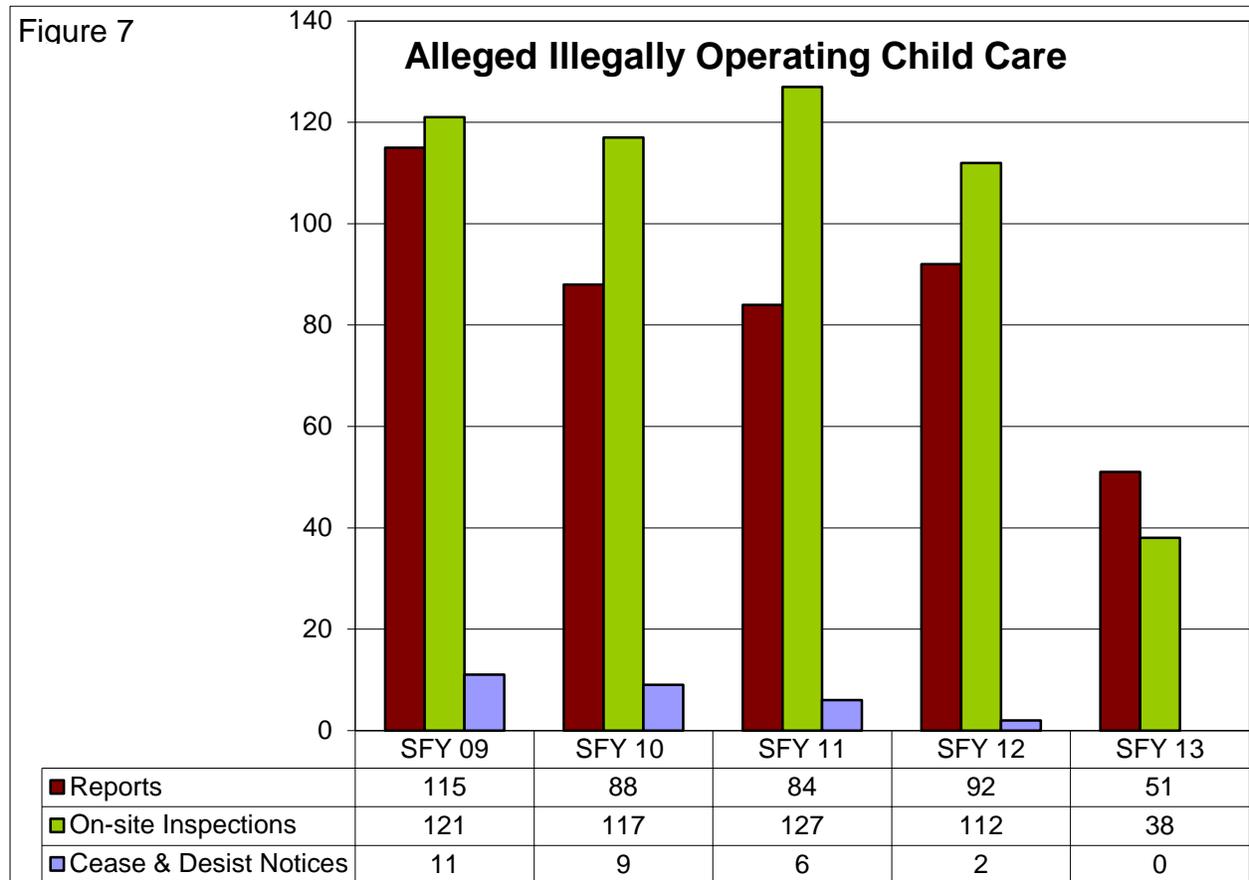
Figure 7

## Enforcement



## Reports of Alleged Illegally Operating Child Care

Alleged illegally operating child care is defined as unlicensed child care being provided for more than six children at one time. ODJFS received 51 reports of unregulated child care in SFY 2013 and licensing supervisors and specialists conducted 38 on-site inspections at the illegally operating locations. When the operator fails to reduce the number of children in care to be within the legal limits, the case is referred to the Attorney General’s office so that a cease and desist notice can be sent. ODJFS will follow-up on all reports of alleged illegally operating child care, as indicated in Figure 7.

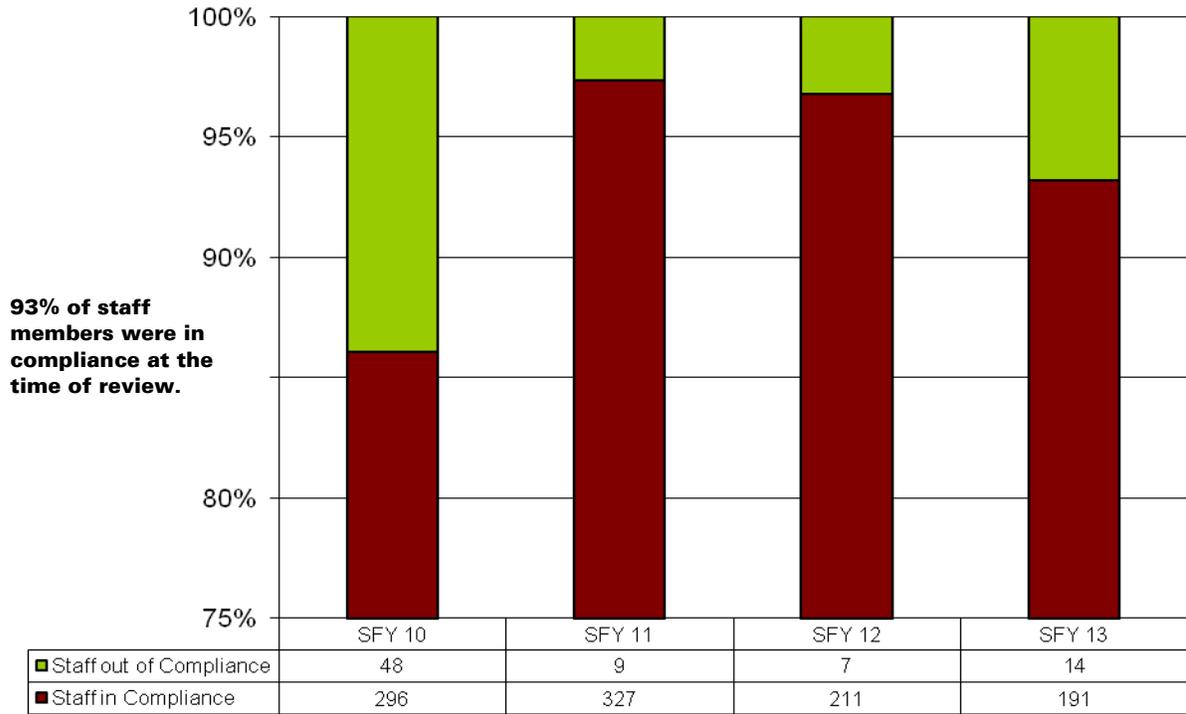


## Day Camp Criminal Records Check Compliance Review

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 2013, 210 camps were registered in Ohio. ODJFS randomly chose 22 camps and conducted desk reviews to ensure that criminal records check documents were on file for all staff. Of the 22 camps, two failed to respond. Figures 8 and 9 on page 18 show the level of criminal records check compliance for the 19 programs that responded. At the time of review, 68 percent of the monitored camps and 93 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.

Figure 9

**Day Camp Staff Criminal Background Check Compliance**



## **Early Childhood System Improvements Impacting Licensing**

### **Legislation**

Legislative language enacted during SFY 2013 allowed ODJFS to provide more consistency across all child care programs and increased fiscal accountability for those who provide publicly funded child care. A summary of the changes include:

- Certified type B child care homes will be licensed by ODJFS beginning January 1, 2014, and the "limited" type B provider category will be eliminated;
- Program integrity language was added to strengthen the ability to react to a provider's misuse of the Ohio Electronic Child Care (ECC) payment system; and
- Language was added to require that as of 2020, publicly funded child care may only be provided by a provider rated through SUTQ, Ohio's tiered quality rating and improvement system.

### **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/>

In SFY 2013, ODJFS continued a comprehensive review of licensing rules. All rules are being streamlined for efficiency and consistency and 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**

SUTQ, Ohio's tiered quality rating and improvement 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 that helps them make informed choices on behalf of their children. Centers and Type A Homes earn a star rating based on the standards they meet. At the end of SFY 2013, Ohio had 1,345 star-rated programs serving 70,344 children in 88 counties, an increase of 232 star-rated programs from SFY 2012. While SFY 2013 had only 232 more rated programs than SFY 2012, the total number includes 1,264 programs that renewed their ratings and 238 newly rated programs.

SUTQ star-rated programs qualify for monetary awards, in the form of Quality Achievement Awards and subsidy payment enhancement. In SFY 2013, Ohio awarded Quality Achievement Awards totaling \$10,794,250. The average award to each center was approximately \$7,856, which was a \$264 decrease compared to SFY 2012. 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 rating and the number of publicly funded children served.

John R. Kasich, Governor  
State of Ohio

Cynthia C. Dungey, Director  
Ohio Department of Job and Family Services

Office of Family Assistance

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