

# Annual Child Care Licensing Report State Fiscal Year 2008



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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:

“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 the State Fiscal Year 2008, between July 1, 2007 and June 30, 2008. Detailed inspection information specific to licensed centers and type A homes is available at [www.jfs.ohio.gov/cdc](http://www.jfs.ohio.gov/cdc).

## 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 centers operating without a license.

Inspection information is entered into a mobile software application that allows the Child Care Licensing Specialist to generate a report of details regarding the inspection conducted on-site.

There were 4,239 licensed facilities in Ohio including 209 type A homes serving 280,560 children enrolled at the end of SFY08. There are approximately 28,000 child care staff employed in Ohio’s licensed facilities.

The Ohio Department of Job and Family Services (ODJFS) Bureau of Child Care and Development, Child Care Licensing Section successfully performed 9,151 inspections, licensed 386 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 SFY2008. This compares to 8,603 inspections completed and 334 newly licensed centers during SFY2007.

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

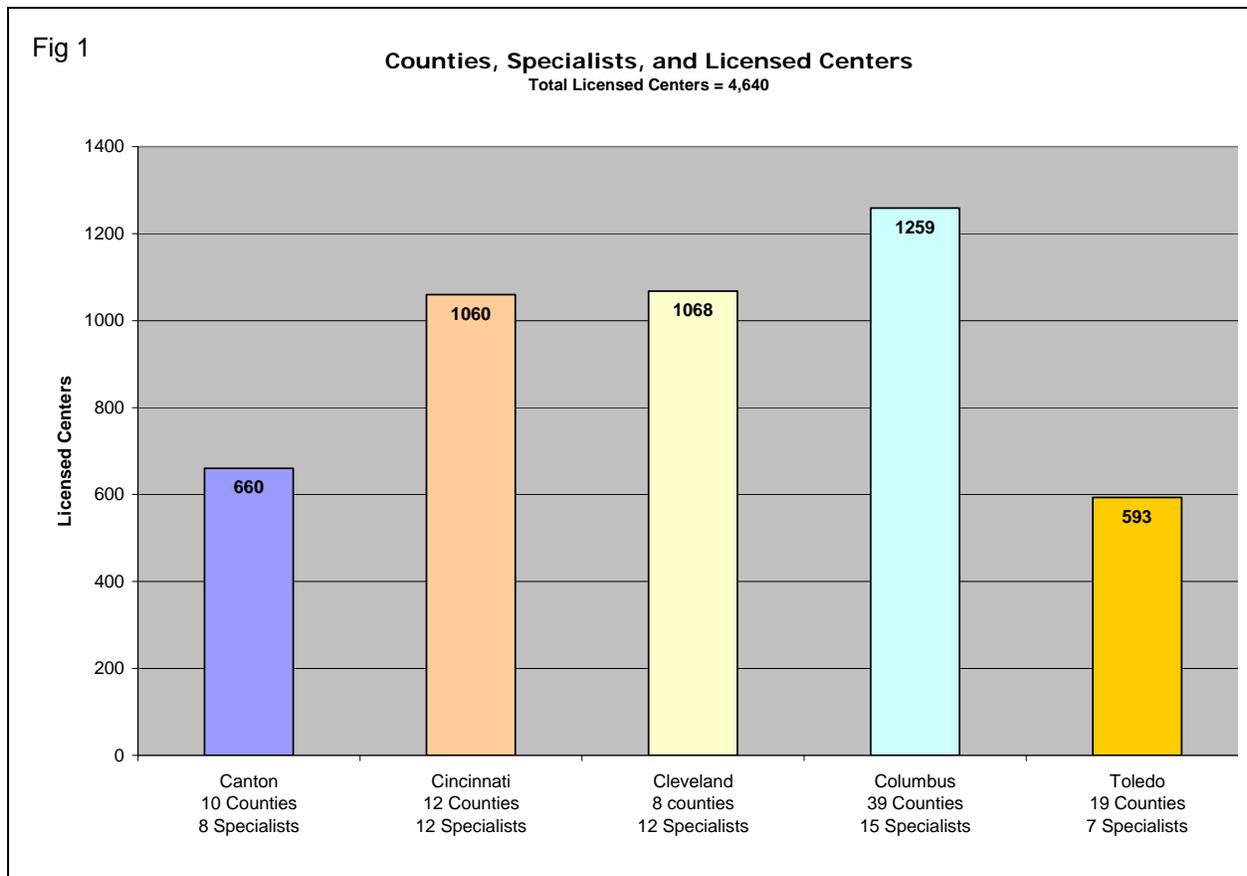
1. employee records
2. safe indoor equipment/environment
3. medical/enrollment records
4. statement of non-conviction & criminal records check
5. children’s attendance records

# 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 facilitate compliance with existing regulations through regular compliance assessments and technical assistance to licensed providers.

Licensing staff conduct inspections and investigations of complaint allegations made against licensed programs as well as reports of unauthorized (exceeding statutory limits) child care.

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. There is one manager in the Central Office. There are 8 supervisory positions, 54 child care licensing specialist positions throughout the state, and 2 administrative personnel located in Central Office. 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 existing regulations and investigations of complaint allegations, Child Care Licensing staff continuously place an emphasis on offering technical assistance and training to the child care community as a means to promote quality child care in Ohio. Technical Assistance consists of providing alternatives for reaching or maintaining compliance with

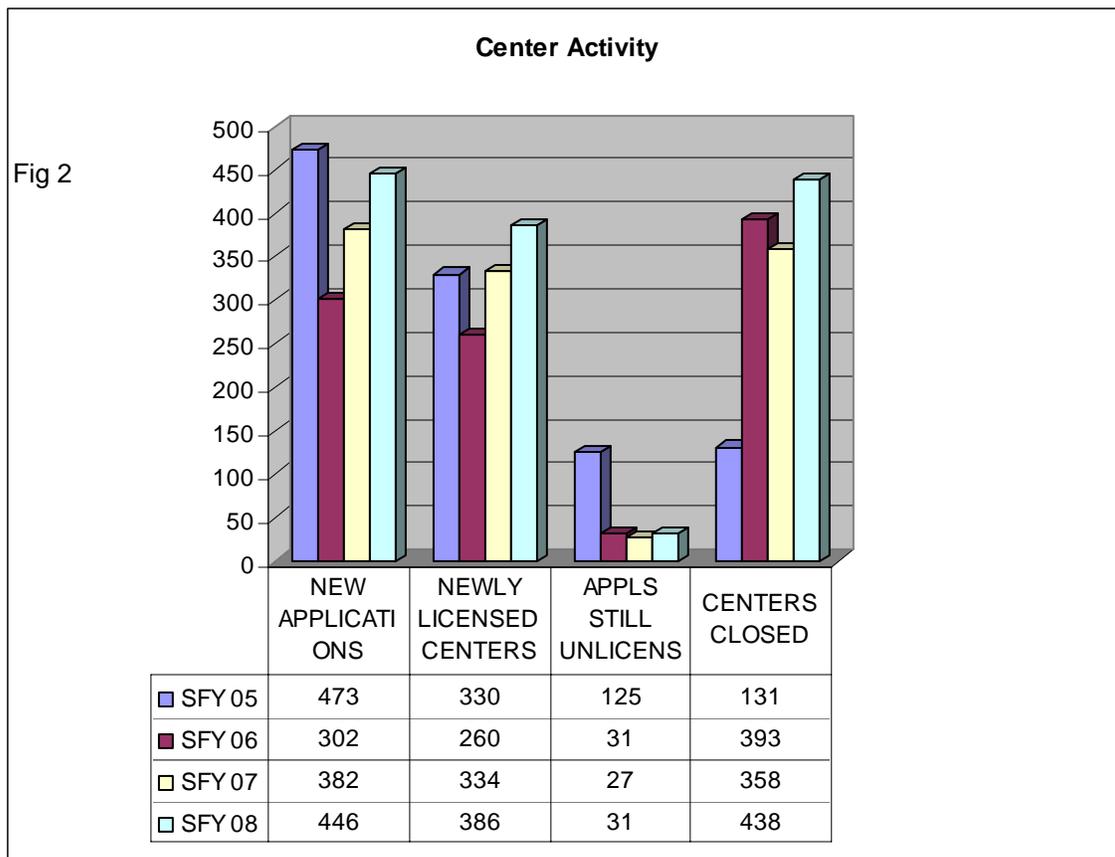
minimum health and safety requirements or recommendations for child care that exceed minimum licensing requirements. Training regarding rule compliance to new administrators is provided on a regular basis throughout the state. There were 57 administrator rules training sessions provided throughout the state to a total of 2,219 center administrators during this reporting period.

## Program Demographics

### Center Activity

446 new applications for licensure were received in SFY08; approximately 64 more applications received than in SFY07. Of the 446 new applications received, the Bureau licensed 386 new child care providers.

Licensed Child Care Center Activity for SFY08 as compared to SFY07 is shown in the following figure. The Bureau received 446 new applications in SFY08 and granted licenses to 386 new centers. 438 previously licensed centers closed in SFY08. Figure 2 highlights the statewide center application, licensing and closure activity.



Historically, center closings are due primarily to the voluntary ending of a program, relocation, or change of ownership. Additional data is now being collected at the time of closure of programs in order to better capture fluctuations of center operations in Ohio.

## Enrollment

Ohio child care providers have the capacity to serve 323,392 children at over 4,239 centers, from infants to school age. At the end of SFY08, 280,560 (86.75% capacity<sup>1</sup>) children were being served by the 4,239 licensed centers in Ohio. Figure 3 depicts the number by age group of children served by licensed centers statewide.

**Total Enrollment by Age Group**

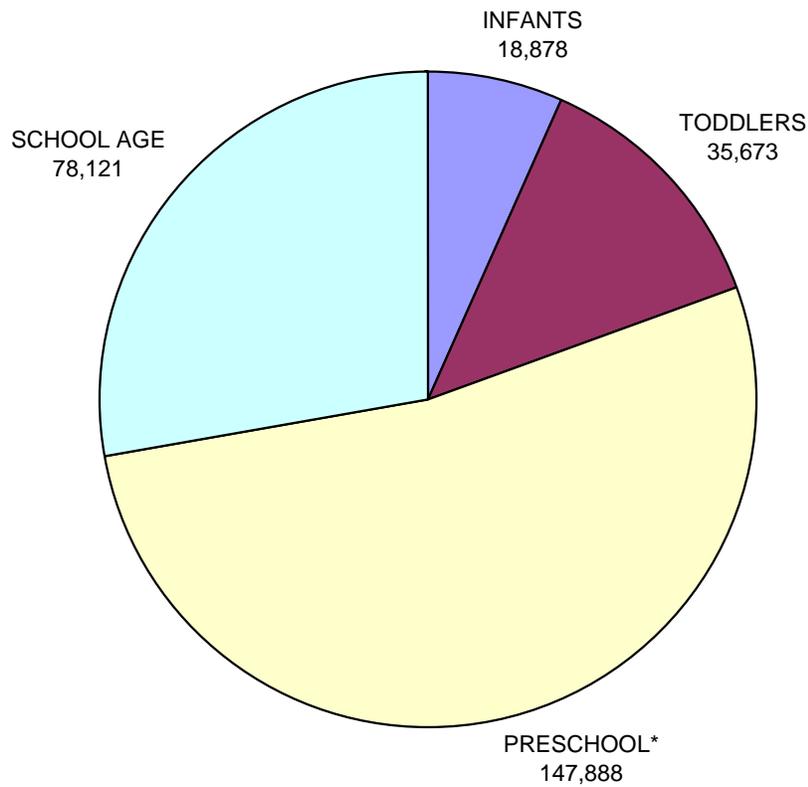


fig 3

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<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 SFY08, Licensing Specialists completed 9,151 inspections. Of those inspections, 1,687 were driven by complaints received about the center. The following graphic (figure 4) details the total number of inspections completed and the number of those that were complaint-driven in SFY08 as compared to the previous four fiscal years

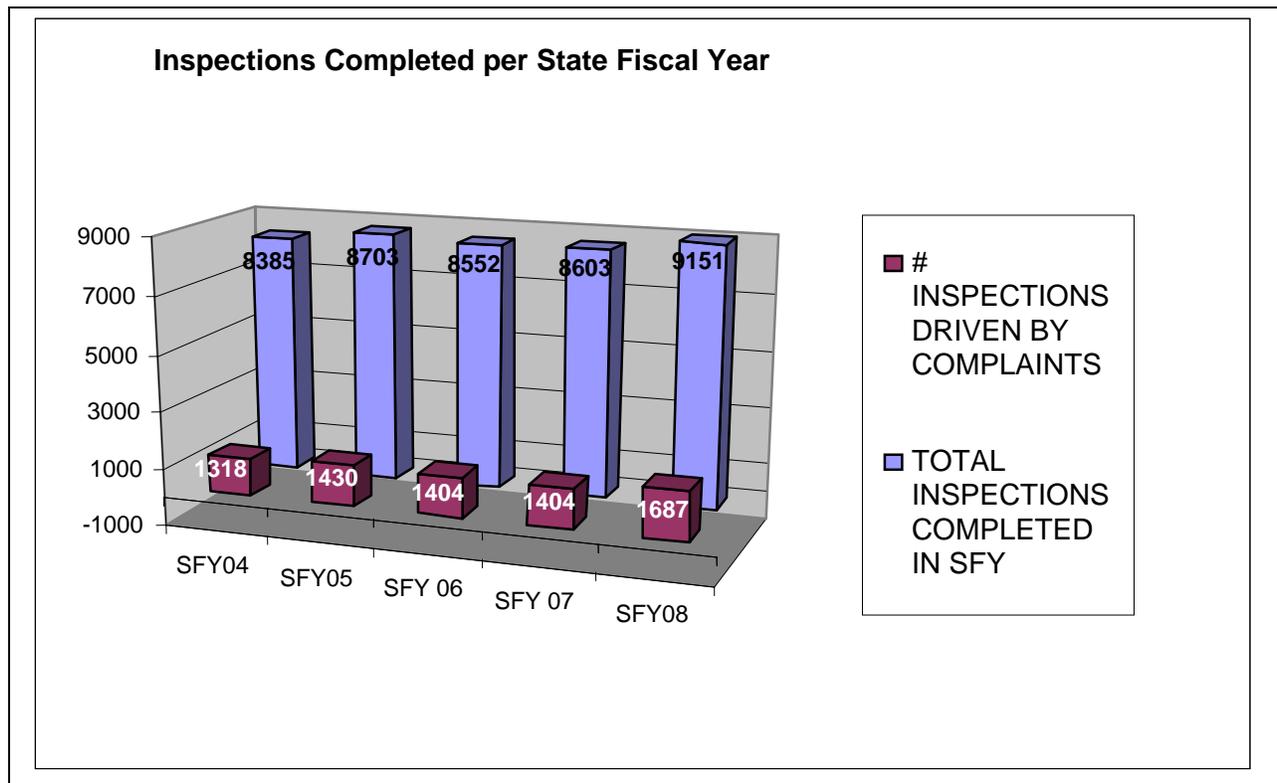


fig 4

### **Summary of Compliance Findings**

There are 42 licensing rules that can be determined as out of compliance during an on-site inspection for a full time program. The majority of the “top ten” most frequently cited rules, are considered easily observable and verifiable. It is important to recognize there are an estimated 28,000 staff members employed in licensed child care centers in Ohio, as nearly one-third of the “top ten” continue to be associated with personnel or staffing documentation.

The following table reflects the total number of top 10 non-compliances determined during on-site inspections.

<b>Rule</b>	<b>Total Number of Violations Determined</b>
<b>Employee Records</b>	5,865
<b>Safe Indoor Equipment/Environment</b>	4,788
<b>Medical/Enrollment Records</b>	4,038
<b>Statement of Non-Conviction &amp; Criminal Records Check (BCII/FBI Background Checks)</b>	3,282
<b>Children’s Attendance Records</b>	3,272
<b>Administration of Medication</b>	2,738
<b>Sanitary Indoor Equipment/Environment</b>	2,474
<b>Care Plan for Children with Health Conditions</b>	2,304
<b>Medical/Dental/General Emergency Plan</b>	2,004
<b>First Aid Supplies/Procedures</b>	1,949
<b>Total</b>	<b>32,714</b>

### **Detailed Compliance Findings**

To enhance the efficiency and thoroughness of inspections, discrete findings are grouped into sets of rules and rules are grouped by common themes. The groups of rules and the corresponding number of findings determined to be out of compliance at the time of on-site inspections are detailed in the following tables. A brief description of the groupings is also provided.

<b>Licensure/Approval Findings</b>	
<b>Rule Violation</b>	<b>08 Findings</b>
Inspection/Investigation Rights	7
Application Denial/License Revocation	41
License/Report Posted	486
License Capacity	474
Building Approval	124
Fire Department Approval	87
Food Service Licensure/ Food Catered	162
<b>Total</b>	<b>1,381</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 by rule to permit access to ODJFS staff for completion of inspections Likewise, programs are required to provide accurate and truthful information to the department 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 most number of children in each age category (infants, toddlers, preschool, and school child) authorized to be cared for in the center at any one time.

<b>Children's Records Findings</b>	
<b>Rule Violation</b>	<b>08 Findings</b>
Medical/Enrollment Records	4,299
Care Plan for Children with Health Conditions	2,359
<b>Total</b>	<b>6,658</b>

**Children's Records Findings** – Centers are noted as non-compliant when documentation of a new or updated medical statement for a child is not available for review. Children's records required to be on file at the center include emergency contact numbers, a detailed immunization record, a list of allergies, medications currently being administered, a list of any chronic physical problems, and a plan on file as provided by parents or guardians of how to specifically address a child's identified health condition if needed.

Space/Program Findings	
Rule Violation	08 Findings
Indoor Floor Space	32
Separation of Infants and Toddlers Under 2 ½ years	153
Onsite Outdoor Play Space	906
Outdoor Play Equipment	1,906
Outdoor Play Fall Surface	384
Parks/Indoor Play Space	4
Smoke Free Environment	48
Swimming and Water Safety	145
Transportation Procedural Requirements	1,123
Transportation/Driver Requirements	18
Transportation/Vehicle Requirements	578
Evening and Overnight Care	27
<b>Total</b>	<b>5,324</b>

**Space /Program Findings** – The minimum requirement for indoor floor space is 35 square feet per child using the space. A frequent non-compliance is the use of an area that has not been approved for use for child care programming. A non-compliance in the category of program outdoor equipment indicates that something in the outdoor play environment posed a safety risk to children, such as a fall hazard or equipment that is observed to be in need of repair. Swimming and water safety requirements provide guidelines for programs that either have swimming available on site at the center, or who participate in supervised water activities away from the center. Revised transportation requirements were implemented during this reporting period and are reflected in a rise in findings as programs become more familiar with applying the new regulations. Training is now available regarding these changes.

Infant/Toddler Care Findings	
Rule Violation	08 Findings
Handwashing and Basic Precautions	840
Diapering and Toilet Training	577
Infant Daily Program	267
Infant Caregiver	142
Infant Food/Formula	718
Cribs	1198
<b>Total</b>	<b>3742</b>

**Infant/Toddler Care Findings** – The infant program is required to provide and implement activities that are suitable to the age levels and abilities of the infants under care.

Possible violations with regard to cribs include: inadequate number of cribs, insufficiently close spaced bars, unsafe spacing of cribs, and improperly fitting mattresses.

Classroom Findings	
Rule Violation	08 Findings
Safe Indoor Equipment/Environment	5033
Sanitary Indoor Equipment/Environment	2569
Toothbrushing	252
Programming Environment	619
Equipment/Materials	815
Cots	541
Staff/Child Ratios	1271
Group Size	588
Supervision	825
Care/Nurturing of Children	773
Child Guidance/Management	176
Medical/Dental/General Emergency Plan	2088
<b>Total</b>	<b>15,550</b>

**Classroom Findings** – This group of findings includes Care and Nurturing of Children which requires that child care staff in licensed programs be responsible for the well being and safety of each child in the group they care for, and for meeting each child's basic needs.

A non-compliance in the category of Classroom findings reflects that equipment or a situation in the indoor environment posed a safety risk to children, such as easy access to cleaning supplies, or classroom equipment was in need of repair and did not meet minimum requirements as stated in Ohio's Child Care Licensing Law.

Staff Requirements Findings	
Rule Violation	08 Findings
Administrator Responsibilities/ Time On-Site	353
Administrator Qualifications	205
Child Care Staff Educational Requirements	1264
Employee Records	6050
Statement of Non-Conviction and Criminal Records Check	3390
Persons Trained in First Aid/CPR and in Prevention, Recognitions and Management of Communicable Disease and Child Abuse Recognition and Prevention	1434
In-Service Training	952
<b>Total</b>	<b>13,648</b>

**Staff Requirements Findings** – Approximately 28,000 child care staff are employed in licensed facilities in Ohio. Many violation notations were a result of centers not having the proper compliance documentation available for review as required. These and all non-compliances are later verified to be in compliance according to the corrective action plan submitted by the centers.

Staff turnover continues to be an issue that challenges centers in seeking and retaining qualified child care staff. Employee medicals, verification of background checks, and in-service training continues to be among frequently cited violations.

<b>Food/Nutrition Findings</b>	
<b>Rule Violation</b>	<b>08 Findings</b>
Interval of Meals/Snacks	27
Requirement for Meals/ Snacks	382
Menus	709
Requirement for Food Provided by Parents	136
Food Safety and Sanitation	203
Infant Formula and Toddler Milk	113
Meal Preparation/Food Safety and Storage	17
Water and Sewage	38
<b>Total</b>	<b>1,625</b>

**Food/Nutrition Findings** – Centers are required to assure that meals for children, whether provided by the center or the parent, meet minimum United States Department of Agriculture nutritional standards. A common non-compliance found among centers is menus being posted and made available for parents that do not reflect what is actually served at the center. This is frequently due to last minute changes to the menu when a certain food is not available for preparation.

<b>Emergency Planning Findings</b>	
<b>Rule Violation</b>	<b>08 Findings</b>
Incident/Injury Reporting	246
First Aid Supplies/Procedures	2081
<b>Total</b>	<b>2,327</b>

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

Center Policy Findings	
Rule Violation	08 Findings
Nondiscriminatory Practices	0
Center Information/ Policies/Procedures	1382
Administration of Medicine	2816
Parental Participation	2
Unlimited Access	87
Parent Roster	832
Management of Illness	132
<b>Total</b>	<b>5,251</b>

**Center Policy Findings** – Center policies and procedures are to be provided to parents, guardians, and employees of the program. Non-compliances regarding policies and procedures to be followed by the child care program indicate that program information was not complete or consistently available to parents, guardians, or employees as required.

Staffing/Attendance Findings	
Rule Violation	08 Findings
Children Combined When No More than 12 on Premises Staff/Child Ratios	37
Second Adult	89
Attendance	3272
Substitutes	93
<b>Total</b>	<b>3,491</b>

**Staffing/Attendance Findings** – A record of daily attendance for all children enrolled in a center assists in assuring supervision and safety of the children in care and on the premises of the center. These are maintained by the child care staff responsible for the groups and provide specific information about the whereabouts of children at any given time while in care at the center. Examples of a noncompliance in this area are not including the name of a child attending the center, or not indicating that a child has arrived and is on the premises. This is especially critical in the case of an emergency or an evacuation of the facility. Not having sufficient staffing physically present and supervising children according to the statutorily required minimums is a serious non compliance.

## Complaints

The Bureau of Child Care is mandated to investigate complaints regarding allegations of violations of Ohio's licensing regulations. There were 1,687 complaints received and investigated during SFY08 which included 3,329 allegations of non-compliances with child care licensing rules. Of the allegations reported, 851 or 25% were substantiated. Each allegation is related to one or more specific rule, totaling 3,329 alleged violations. The top three allegations were related to: Staff/Child Ratios, Safe/Sanitary Equipment, and Care/Nurturing of Children.

There are often multiple allegations made within one complaint. Upon inspection, it is common for some but not all of the allegations to be substantiated (i.e. proven to be true). Therefore, substantiated complaints are reported as those where at least 50% of the allegations were determined to be true as a final result of the investigation. Of the 1687 complaints received, 480 or 28% had at least 50% of the allegations substantiated.

An unsubstantiated allegation is one which can be demonstrated did not occur. An undetermined allegation is one which cannot be either proven to be true or verified it did not occur.

The following graphic (figure 5) summarizes the number of complaints received and subsequent determinations made in SFY08.

### Complaints Summary

TOTAL RECEIVED	AVERAGE # REC'D PER MONTH	# ALLEGED VIOLATIONS	# UNSUB-STANTIATED	# SUBSTAN-TIATED	# UN-DETERMINED
1687	140	3329	93	851	2385

fig 5

Rule	# of Times Alleged
Staff/Child Ratios	802
Safe/Sanitary Indoor Equipment/Environment	408
Care/Nurturing of Children	381
Child Guidance and Management	378
Incident/Injury Reporting	201
Center Information/Policies/Procedures	138
Meals and Snacks	119
Management of Illness	95
Administrator Responsibilities/Time On-Site/Qualifications	88
License Capacity	60

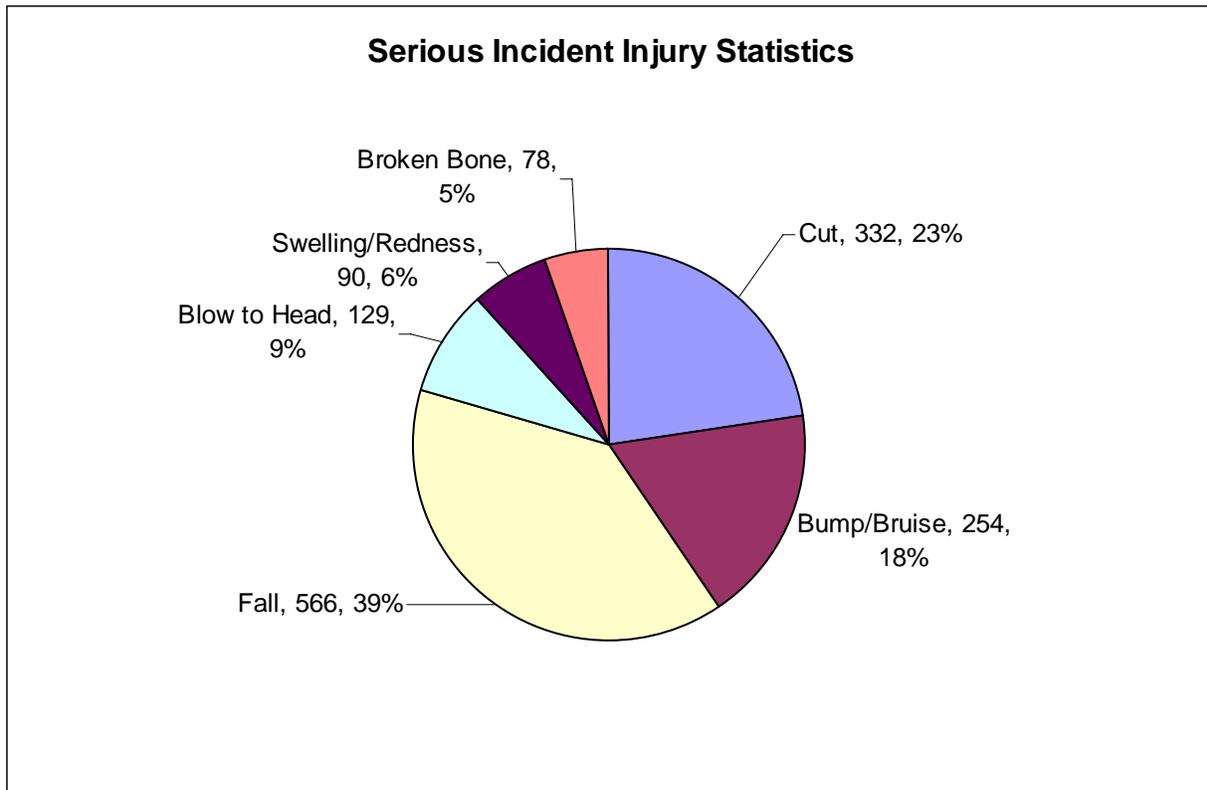
# Incident/Injury Management

Through use of the Incident/Injury Report, data is collected to establish patterns related to when and why children are injured in child care. Reports of serious injury are used to analyze trends and provide insight into how to approach improved injury prevention strategies.

There were 1,418 reports of serious incident or injury submitted to ODJFS during SFY08 that occurred in licensed facilities. A serious incident or injury is defined as including "any situation occurring while a child is in 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 all such incidents to ODJFS. The three most frequently specified types of injuries reported were: falls, cuts and bumps/bruises.

All incident/injury reports that are associated with complaints are investigated. Investigation results are monitored for meeting rule compliance through the use of corrective action plans or on site visits to verify compliance. Any rule violations that are the cause of an incident/injury being filed are dealt with in the same manner. Technical assistance is provided to the center on how to better prevent incidents or injuries at the center in the future.

The following graph displays the top six most frequently reported serious incidents by Injury Type including the number and percent of total serious injuries.



# Enforcement

## Steps Taken to Address Violations

Licensed programs are mandated to submit a corrective action plan for all rule violations. Varying degrees of monitoring, such as unannounced visits by the licensing section, will occur to assure the center has achieved compliance as well as technical support. As a last resort, the provider is advised of enforcement actions pursuant to Chapter 119 of the ORC that could potentially close the program should the center be unable to achieve compliance. There were a total of 19 active enforcement cases at the end of FY08 including 8 new recommendations for revocation submitted during this reporting period.

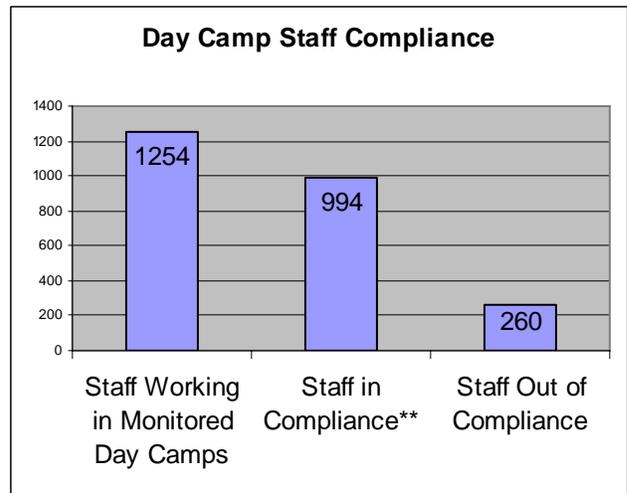
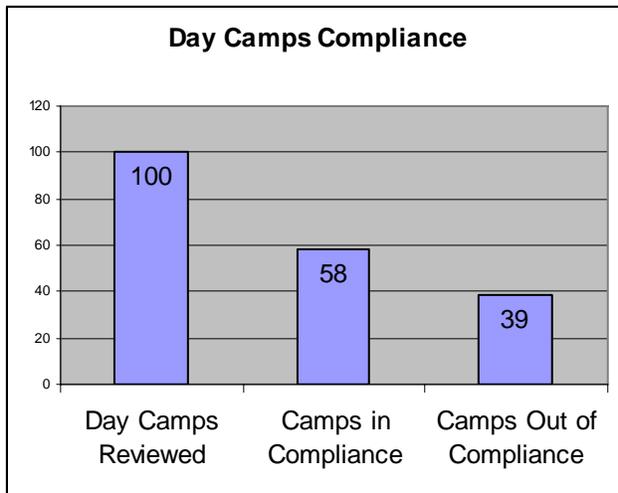
## Reports of Unregulated Child Care

ODJFS received 176 reports of illegal child care (unlicensed care for more than six children on a regular basis) operations between July 1, 2007 and June 30, 2008. A total of 138 on-site inspections were conducted at these homes. There were 9 Cease and Desist Notices sent to alleged illegal operations after being referred to the Attorney General's Office for legal action during this annual reporting period. All other programs reported as caring for more than six children were subsequently determined to be operating within legal limits.

The Child Care Licensing Section maintains an inspection plan to monitor all reports of unregulated care for ten or more children in care in homes or facilities.

## BCCD Registered Day Camp BCII Compliance Sweep

On Thursday June 26, 2008 the Child Care Licensing Section staff conducted an onsite Day Camp Sweep to 75 programs across the state while the supervisors conducted desk reviews of background check documents for 25 programs. BCCD engaged in a massive communication effort to inform Day Camps of their background check responsibility for staff. Camps that did not meet the statutory requirements at the time of the monitoring were given 30 days to provide verification of final compliance. The results of the sweep after the final compliance follow-up showed these results:



\*\*the majority of the staff non-compliances this year were due to the verification of the 5 year residence needing to be documented. Of the 260 staff that were out of compliance, 179 or 69% were out of compliance due to not having the 5 year proof of residency on file. These 179 staff did, however, have the BCII completed and on file. This was the first year BCCD conducted monitoring on the 5 year residency requirement.

# Quality Initiatives



## Regulation for the 21st Century

The Bureau of Child Care and Development convened the Regulation for the 21<sup>st</sup> Century workgroup in the fall of 2005. This workgroup was convened as a result of H.B. 11 which required the department to put forth recommendations of fines and sanctions for licensing non-compliances. One of the products of the workgroup was the identification of those rules, that if violated, present the most serious risk of harm to children. Beginning in January 2007, the identified serious risk non-compliances are now documented in red on the center's compliance report which is required to be posted at the center and can be found on the bureau's website. The bureau has been working with its office of legislation to incorporate the fines and sanctions as recommended by the workgroup into statute. Any program which applies for a quality rating through Step Up To Quality will be screened for eligibility based on the serious risk non-compliances. Recommendations for license revocation are based on non-compliances with the identified serious risk rule violations. A copy of the final report of the workgroup can be found at:

<http://www.jfs.ohio.gov/cdc/RegulationsFor21stCentury.stm>

During the time period of July 1, 2007 through June 30, 2008, 5401 non-compliances were determined to be serious risk. The top five most frequently cited SRNC areas account for 74% of the serious risk non-compliances.

### TOP FIVE MOST FREQUENTLY CITED SERIOUS RISK NON-COMPLIANCE RULES

Rule	Total Number of SRNC
Statement of Non-Conviction & Criminal Records Check (BCII/FBI Checks)	1127
Medical/Physical Health Care Plans	887
Administration of Medication	743
Staff/Child Ratio	700
Safe Indoor Equipment/Environment	559

In response to the most frequently cited SRNC, a training has been developed for center staff. This training was provided to 610 child care staff throughout the state during this reporting period.



## Early Learning Initiative (ELI)

12,000 children are being served in Early Learning Initiative programs a joint effort between the Ohio Department of Job and Family Services and the Ohio Department of Education. The goal of the Early Learning Initiative is to provide educational experiences for income eligible families so children will enter kindergarten ready for success as well as meet the child care needs of working families. Additional information can be found on the ELI website: <http://jfs.ohio.gov/cdc/eli.stm>

## Step Up To Quality - Ohio's Quality Rating System

There are 455 Star rated early care and education programs in 53 Ohio counties that serve approximately 38,000 children. This represents a 64% increase over last year. Star rated programs are twice as compliant with licensing standards than non-rated programs. Star rated programs received \$3,894,000.00 in quality achievement awards and 26,230 early care education professionals took part in specialized training to strengthen the skills necessary to support 21st Century learners. Parents can now view star-rated centers while searching for child care. Step Up to Quality's website is located at: <http://jfs.ohio.gov/cdc/StepUpQuality.stm> To search for child care and star-rated centers, go to: <http://www.odjfs.state.oh.us/cdc/query.asp>

## Legislative Activities

Over the course of the past year, the Ohio legislature has worked on the following bills that will and/or have had a direct impact on the child caring community. Some of these have passed and rules have already been written and taken effect, while others are still pending and awaiting further work from the upcoming sessions:

- HB 320 - proposes to require booster seats for children until they are eight years or more than 4'9."
- SB 232 and HB 342 - Family Child Care Licensing Bill proposes to license family child care homes at the state level rather than the current certification at county level.
- SB 210 - Requires type A and type B providers to have liability insurance for their business or to inform families they serve that they do not carry liability insurance.
- Sub. Senate Bill 163 (also known as HB 213 and SB 163 - Feisel bill) mandated new requirements for criminal record checks for owners, administrators and employees of centers and type A homes and for adults living in the type A home. Criminal record checks must be completed at the time of initial licensure or employment and every four years thereafter. Below are additional highlights of the bill.
  - Focus of the bill is Foster care, but includes child care provisions
  - Expanded BCII results prior to licensing or certification
  - Provider can not be both a Type A provider and a foster parent
  - Signed by the Governor on May 14 and effective on August 14. Rules are now in effect.
- SB 321 (Stivers) – This bill will amend sections 109.572 and 2151.86 and enact section 2151.862 of the Revised Code to require a criminal records check conducted by BCII to be completed for each employee of a residential camp and to require a social security number criminal records check to be completed for each volunteer of a residential camp. SB 321 would require ODJFS to register and monitor residential camps.
- HB 30 - still working with ODE and the governor's office for language that is acceptable to Rep. McGregor so that ODJFS can continue to require seat restraints while school buses are exempt.

## Rule Review

The Bureau of Child Care Development is continuing the statutorily mandated review of rules every five years. All proposed and final rule revisions related to child care centers and type A homes are available for viewing and comment by use of website links found on the Child Care website: Child Care Resources at <http://jfs.ohio.gov/cdc/childcare.stm>