Ohio Department of Job & Family Services

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Eighth Annual Child Care Licensing Report
July 1, 2004 to June 30, 2005

Ohio Department of Job & Family Services
Office for Children & Families
Bureau of Child Care and Development

Eighth Annual Child Care Licensing Report

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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 Revised Code. Section 5104.04 (I) of the Revised Code stipulates:

"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 violations. 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 data is formulated from inspections completed July 1, 2004 to June 30, 2005.

Child care licensing staff within the Bureau of Child Care and Development are responsible for licensing child care centers and Type A family child care homes, as well as registering summer day camps (ORC Sections 5104.02(A) and 5104.21). Licensing staff monitor and facilitate compliance with existing regulations and investigate complaint allegations made against licensed programs and unauthorized child care in homes. There are 70 field staff located in the five service area offices across the state.

Program Demographics

As of June 30, 2005 there were 4,021 ODJFS licensed child care centers and Type A homes in Ohio. This includes Head Start centers as the department regained oversight and licensing of Head Start programs from the Ohio Department of Education (ODE) in September 2004.

Total License Capacity 293,925	
Preschool	138,559
School Child	93,613
Toddler	41,696
Infant	20,057

License capacity is the maximum authorized number of children in each age category that may be cared for in a child care center at any one time. As illustrated, Ohio's centers have the capacity to enroll more preschool children than any other population. Infant (under 18 months) capacity constitutes 7% of available space in licensed facilities.

Child care centers may offer full time programs, part-time programs, school child care programs or a combination of programming to children and their families.

Total Licensed	
Full-Time	1,556
Combination	692
Part-Time	757
School Child	465
Head Start	390
Type A	161

Full-time programs serve children who attend for more than 4 hours per day. A combination program serves children who are either enrolled on a full-time or part-time (no child is in care for more than four hours on any given day) basis. A school child care program provides care for school children only. Type A providers typically provide care for 7 to 12 children in their homes.

Licensing 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. 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.

The Child Care Monitoring & Technical Assistance Section conducted a total of 8,830 inspections, including complaints, during this reporting period. This is an increase of 1,663 or 19% from the previous reporting period.

Inspection Type	Number of Inspections/ Investigations
1st Year	2,934
Renewal (during 2nd year)	2,165
Complaint	1,541
2nd Year	1,400
Provisional	353
Pre-licensing	297
Follow-Up	42
Amendment	98
Total Inspections	**8,830**

Summary of Compliance Findings for July 1, 2004 - June 30, 2005

Data regarding specific compliance findings are presented by the following illustrations and provide both type and frequency of violations in each of the licensing inspection areas. 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.

Licensure Facility Requirements	
Rule Violation	**Number**
License Capacity	698
Food Service Licensure	293
Building Approval	209
Fire Safety Approval	106

Staff Requirements

Approximately 24,670 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 are among the most frequently cited violations.

Staff Requirement Findings	
Rule Violation	**Number**
Employee Medical Statement/Reference	7,128
Background Check and Conviction Statement	3,394
Persons Trained in First Aid/CPR and in Prevention, Recognition, and Management of Communicable Disease and Child Abuse Recognition and Prevention	2,331
Qualifications of Child Care Staff	1,650
In-Service Training	1,435
Administrator Duties	602
Administrator Qualifications	434

Staff:Child Ratio

The chart below continues to reflect historical observation that centers are frequently not properly staffed. Non-compliance in the area of staffing contributes to non-compliances in other areas. Maintaining at least minimum standards for staff:child ratios reduces the risk of harm to children in care in that supervision of activities and monitoring of the environment are safeguards against possible injury.

Staff:Child Ratio and Group Findings			
Rule Violation	**Number**	**Rule Violation**	**Number**
Small Group Maximum	1,299	Attendance	3,055
Maximum Children per Staff Member	1,627	Children Combined Less Than 12	63
Two Responsible Adults on Premises	137	Substitute Available	127
Supervision	966		

Space Requirements
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.

Space Requirement Findings	
Rule Violation	Number
Space Used for Infants and/or Non-toilet Trained Toddlers	140
Outdoor Play Space, Equipment, Fall Surface	3,677
Indoor Floor Space	59

Program Equipment
The primary non-compliance in the category of Program Equipment reflects that something in the environment posed a safety risk to children, such as: easy access to cleaning supplies or broken or unsafe equipment. Safe and sanitary furniture, materials, and equipment was found to be the most frequently cited non-compliance. This has also been the case for the previous seven years.

Program Equipment Findings			
Rule Violation	Number	Rule Violation	Number
Safe Sanitary Indoor Equipment and Environment	8,007	Cots	688
First Aid Training and Supplies	2,331	Quiet and Active Play	1,376
Adequacy of Equipment	965		

Policies and Procedures
Non-compliances regarding policies and procedures indicate that program information was frequently not complete or available to parents as required.

Policies and Procedures Findings	
Rule Violation	Number
Center Policies and Procedures	5,860
Parent Roster	843
Parental Participation	59

Safety and Child Management
Violations recorded under Safety typically indicate a deficiency in the center's written policies and procedures governing a safe environment for children while at the center, or reflect an observation made during the inspection of possible risk of injury to children.

Safety /Guidance/ Nurturing	
Rule Violation	Number
Transportation and Field Trip Safety	1,767
Child Guidance and Nurturing of Children	571
Swimming and Water Safety	305

Requirements related to child guidance address managing children's behavior in an acceptable fashion using developmentally appropriate techniques according to the children's ages and circumstances. Requirements about the nurturing of children address the basic needs of children such as diapering, assistance in toileting, hand washing and basic hygiene. Child care staff are required to acknowledge and respond appropriately to children who are crying or who show distress.

Health

Of the health related findings, the most frequently cited non-compliance was regarding the posted medical and dental emergency plan. Centers often do not have medical and dental plans posted as required or may have most current information missing. Administration of medications, food supplement, or modified diets is also noted as being a frequent citation. Non-compliance may range from medications being administered without appropriate physician's written permission, to the form being outdated.

Health Related Findings	
Rule Violation	**Number**
Medical and Dental Emergency Plan	3,157
Administration of Medications, Food Supplements, Modified Diets, or Fluoride Supplements	1,572
Care of Children with Handicapping or Health Conditions	1,058

Children's Records

Centers are noted as non-compliant when documentation of a new or updated medical statement for a child is not available for review. There were 5,261 non-compliance findings for Children's Records including medical forms. 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, and a list of any chronic physical problems.

Meals

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.

Nutrition Requirement Findings	
Rule Violation	**Number**
Menus	1,154
Nutritional Requirement of Meals & Snacks	526
Food Provided by Parents	190
Food Safety and Sanitation	269
Infant Formula - Toddler Milk	124

Hand washing has been proven to be an effective preventative measure against disease transmission. There were 1,222 Hand Washing/Diaper Care non-compliance findings. Staff training and technical assistance are continually emphasized for staff working in child care facilities.

Infant Care

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

Infant Care Findings	
Rule Violation	**Number**
Cribs	1,287
Infant Formula Food	893
Infant Daily Program and Caregivers	723

Most Frequent Citations

The six most frequently cited non-compliances found during licensing inspections during this reporting period, in descending order were: 1) employee medical statement; 2) children's records; 3) safe indoor equipment and environment; 4) documentation of attendance; 5) and employee background checks and statements of non-conviction; 6) medical, dental, and general emergency plan.

Complaint Data

The department is mandated to investigate complaints regarding allegations of violations of minimum health and safety standards. The department received a total of 3,143 allegations of licensing violations during this annual reporting period. Each allegation is related to a specific rule. The six most frequent allegations of violations, listed in descending order for all types of facilities were: 1) Staff:child ratio and supervision; 2) Child guidance and management (formerly discipline); 3) Safe and sanitary equipment and environment; 4) Care and nurturing of children, 5) Incident/Injury reports; and 6) Meals and snacks.

Number of Allegations 3,143	
Substantiated	988
Unable to Determine	1,958
Unsubstantiated	197

There was insufficient evidence to substantiate 1,958 out of 3,143 allegations of rule violations made. 31% of complaint allegations made were substantiated, and 6% were unsubstantiated. In the course of investigating complaints from the community, a total of 1,253 other types of non-compliances were noted.

Completed Complaint Investigations 1,541	
Unannounced Inspections	1,122
Telephone Contact	358

Announced Inspections	32
Other/Referral	29

The department completed a total of 1,541 complaint investigations during this annual reporting period. Complaint investigations often include the review of multiple allegations. The average number of complaints received each month statewide was 128.

It was noted that parents of children in care and center child care staff were most likely to lodge a complaint.

Requests for License Findings Review
With the implementation of revised rules in 2003, providers now have the opportunity to have a center's compliance or complaint inspection summary of findings reviewed at two administrative levels. There have been 4 requests for second level administrative review of inspection findings completed during this reporting period.

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 10 active Chapter 119. cases as the result of recommendations for revocation during this reporting period. There were 3 voluntary closures, 2 facility change of ownership, 1 surrender of license, 1 settlement, 2 court of claims dismissals or denials, subsequent to a revocation notice being issued. One revocation notice was withdrawn by the department.

Abuse/Neglect And Serious Injury Reports

Abuse/Neglect Allegations
Physical abuse, as it relates to licensing, is inappropriate discipline of, or contact with, a child by a staff member. Allegations of abuse/neglect are referred to the appropriate public children services agency for investigation. Collaborative investigations with other agencies as appropriate occur with ODJFS concentrating on licensing non-compliances.

Incident/Injury Reports
The Monitoring & Technical Assistance Section implemented a collaborative project with the Ohio Department of Health for the purpose of gathering more specific and more immediate information about serious injuries and fatalities that occur at centers. Through use of the revised Incident/Injury Report with the enhanced reporting features for the centers, data is now being collected to establish patterns related to when and why injuries occur. Reports of serious injury will be used to analyze trends and provide insight into how to approach improved injury prevention strategies. Management Information Systems (MIS) has developed an enhanced data entry and retrieval system

and has initiated monthly statistical reports, which began running April 2003.

There were 1,140 reports of serious incident or injury submitted to ODJFS during this reporting period 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 frequent types of injury reported were: 1) falls, 2) bumps/bruises and 3) cuts.

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 sight 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.

Illegal Operations

The Child Care Monitoring & Technical Assistance Section has instituted an increased inspection plan in order to monitor all reports of ten or more children in care, as well as a random unannounced inspection for every fifth report received.

ODJFS received 101 reports of illegal child care (unlicensed care for more than six children on a regular basis) operations between July 1, 2004 and June 30, 2005. A total of 89 on-site inspections were conducted at these homes. There were 17 Cease and Desist Notices sent to alleged illegal operations and 13 cases of illegal child care operations referred to the Attorney General's Office for legal action during this annual reporting period. All programs reported were subsequently determined to be operating within legal limits.

Conclusion

In conclusion, during the State Fiscal Year 2005 reporting period 4,021 licensed child care centers and Type A homes received 8,830 inspections including complaints. This is an increase of 19% from the previous year. There were a total of 1,541 complaint investigations completed, which is an increase of 5%.

The most frequently cited non-compliances found during licensing inspections during this reporting period, in descending order were: 1) employee medical statement; 2) children's records; 3) safe indoor equipment and environment; 4) documentation of attendance; 5) and employee background checks and statements of non-conviction; 6) medical, dental, and general emergency plan. These were the same six most frequent violations from the previous reporting period. Non-compliances observed in staff:child ratio requirements at 1,627 were 11% less, and non-compliances in supervision at 966 were 9% less than the previous reporting period.

Licensed programs are required to submit a corrective action plan for all rule violations.

Monitoring & Technical Assistance staff offer technical support to providers on how they can meet the requirements of the regulations. Varying degrees of monitoring, such as unannounced visits by the licensing section, will occur to verify the center has achieved compliance. 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.

Step Up To Quality Initiative

Licensing establishes the minimum health and safety standards, which are the foundation for quality child care. Step Up To Quality is a new pilot project in Ohio, and is a voluntary quality rating system. The goal is to promote school readiness by improving the quality of licensed early care and education programs in Ohio. Step Up To Quality recognizes early care and education programs that have met quality benchmarks over and above minimum health and safety licensing standards. The star rating system will assist parents in identifying and selecting quality programs for their children.