

Ohio Department of Job & Family Services

30 East Broad Street, Columbus, Ohio 43215-3414



Sixth Annual Child Care Licensing Report January 2004

**Ohio Department of Job & Family Services
Office for Children & Families
Bureau of Child Care and Development
Sixth 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. Because of the implementation of revised rules during this reporting period, the Licensing Inspection Findings section of the report is divided into two parts. July 1, 2002 through March 31, 2003 includes compliance findings for rules prior to revision. A summary review of the period from April 1, 2003 through June 30 includes compliance findings for revised rules. The annual reporting period is defined as July 1, 2002 through June 30, 2003.

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.”*

Licensing establishes the minimum health and safety standards which are the foundation for quality child care. It should be noted that child care licensing staff are increasingly placing emphasis on offering technical assistance and training to the child care community, as well as providing licensing inspection information to current and prospective users of Ohio’s child care services as a means to promote quality care. There were 571 public records requests completed during this reporting period. These were in addition to the licensing inspection information available on the child care website at jfs.ohio.gov/cdc.

Child Care Licensing (CCL) staff are located at 255 East Main Street, 3rd Floor, Columbus, Ohio 43215 (Central Office) and in five (5) regional field offices around the state: Canton, Cincinnati, Cleveland, Columbus, and Toledo. There are two (2) managers in the Central Office. There are eight (8) supervisory positions, 54 child care licensing specialist positions, and nine (9) support personnel positions located throughout the state.

Staff 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.

ODJFS wishes to thank the many individuals, including the child care licensing field staff and supervisors, MIS (Management Information Systems) staff, as well as the Bureau of Child Care and Development staff who have contributed to the production of this report by providing the continuing commitment, statistical information, support, and guidance to the licensing program during the past year.

I. Program Demographics

As of June 30, 2003 there were 3,491 ODJFS licensed child care centers and Type A homes in Ohio. It should be noted that Head Start center data is not included in this report since the department regained oversight and licensing of Head Start programs from the Ohio Department of Education (ODE) in September 2003 which falls outside this reporting period.

License Capacity	Preschool	School Child	Toddler	Infant
259,833	112,359	90,977	38,758	17,739

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.

Total Licensed Programs	Full-Time	Combination	Part-Time	School Child	Type A
3,491	1,442	751	789	479	130

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.

II. Licensing Compliance Inspection Findings

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.

Licensing data is collected by means of an automated inspection system which was implemented in 1998. This system is proving to be an efficient tool in capturing, recording, and disseminating compliance data for each of the approximately 66 elements reviewed during a typical inspection. Licensing staff continue to focus on meeting mandated inspection requirements and providing targeted technical assistance rather than completing a mass of redundant paper work. Collaboration with ODJFS Management of Information Services (MIS) provides for enhanced data collection and statistical analysis of identification of trends to be used for compliance improvement strategies.

Inspection Type	Number of Inspections/Investigations
1 st Year	2,229
Renewal (during 2 nd year)	1,231
2 nd Year	1,779
Complaint	626
Provisional	291
Prelicensing	208
Follow-Up	52
Amendment	75
Total Inspections	6,491

The Child Care Licensing Section conducted a total of 6,491 inspections, including complaints, during this reporting period. Approximately 64% of all licensing inspections were unannounced. Section 5104. of the Revised Code requires at least one of the two yearly inspections for full time programs to be unannounced.

Total Inspections	Unannounced	Announced
6,491	3,968	2,523

Compliance Findings: 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.

Inspection Compliance Findings for July 1, 2002 through March 31, 2003

Licensure/Approval Findings			
Rule Violation	Number	Rule Violation	Number
License Capacity	509	Fire Safety Approval	49
Food Service Licensure	94	Infants Cared for on First Story of Building	10
Building Approval	81		

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.

Non-compliance notations often represent a lack of appropriate documentation to show compliance rather than actual risks to children. Non-compliance with license capacity most often is an indication that the center is caring for more than the authorized number of children in any given age category.

Staff Requirement Findings			
Rule Violation	Number	Rule Violation	Number
Employee Medical Statement	1,961	Persons Trained in First Aid & in Prevention, Recognition, & Management of Communicable Diseases	628
Background Check	1,414	Persons Trained in Child Abuse Recognition & Prevention	431
In-Service Training	1,664	Administrator Duties	219
Reference Checks	1,135	Administrator Qualifications	115
Qualifications of Child-Care Staff Member	1,259	Vocational Child-Care Training Program	49
Conviction Statement	784		

Approximately 22,089 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, educational qualifications, in service training, and verification of background checks are among the most frequently cited violations.

Staff/Child Ratio & Group Findings			
Rule Violation	Number	Rule Violation	Number
Small Groups and Maximum Group Size	974	Two Responsible Adults on Premises	108
Maximum Number of Children Per Child-Care Staff Member	932	Child-Care Staff Members & Other Employees	235

These figures continue to reflect an historical observation that centers are not properly staffed. Non-compliance in the area of staffing accounts for many 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 a safeguard against possible injury.

Space Requirement Findings			
Rule Violation	Number	Rule Violation	Number
Space Used for Infants and/or Non-toilet-trained Toddlers	277	Indoor Floor Space	27
Outdoor Play Space	77	Exclusive Space	61

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.

Program/Equipment Findings			
Rule Violation	Number	Rule Violation	Number
Safe and Sanitary Equipment	3,819	Cots	373
First Aid Supplies	808	Quiet & Active Play	337
Adequacy of Equipment	896		

The primary non-compliance in this category reflects that something in the environment posed a safety risk to children, such as: easy access to cleaning supplies, 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 true for the previous five years.

Policies/Procedures Findings			
Rule Violation	Number	Rule Violation	Number
Parent Roster	544	Inspection and Investigation Rights	0
Admission Policies & Procedures	247	Toll-Free Telephone Number	0
Parental Participation	31	Parental Access	7

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

Safety/Discipline Findings			
Rule Violation	Number	Rule Violation	Number
Safety of Children	1,762	Discipline of Children	160
Transportation and Field Trip Safety	449	Swimming & Water Safety	47

The numerous 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.

Health Related Findings			
Rule Violation	Number	Rule Violation	Number
Medical and Dental Emergency Plan	2,345	Care of Children with Handicapping or Health Conditions	603
Administration of Medications, Food Supplements, Modified Diets, or Fluoride Supplements	825	Management of Communicable Diseases	145

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.

Children's Records Findings			
Rule Violation	Number	Rule Violation	Number
Children's Records	2,652	Child's Medical Statement	1,787

Centers are noted as non-compliant when documentation of new or updated child's medical statement 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, and a list of any chronic physical problems.

Nutrition Findings			
Rule Violation	Number	Rule Violation	Number
Menus	401	Snacks	115
Nutritional Requirement of Meals	212	Children to be Served a Meal	3
Food Provided by Parents	99		

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.

Hand Washing/Diaper Care Standards Findings			
Rule Violation	Number	Rule Violation	Number
Hand Washing Facilities	213	Diaper Care Standards	328

Hand washing has been proven to be an effective preventative measure against disease transmission. The relatively low number of non-compliance findings regarding hand washing indicates center personnel are aware of the importance of this safeguard and are following the requirement. The relatively higher number of non-compliance findings in diaper care standards indicates a need to emphasize this aspect during on-site visits and provide consultation as needed.

Infant Care Findings			
Rule Violation	Number	Rule Violation	Number
Cribs	525	Infant Food	165
Infant Formula	255	Infant Caregivers	29
Infant Daily Program	119		

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

There were a total of 47,319 (2.8%) violations out of 1,637,306 possible licensing compliance areas. The 6 most frequently cited non-compliances, in descending order were: safe furniture, materials and equipment; employee medical statement; children's medical statement; children's records; safety of children; and employee background checks.

Licensing Inspection Compliance Findings for April 1, 2003 to June 2003

There were 1,079 licensing inspections completed between April 1, 2003, and June 30, 2003. 566 were announced and 517 were unannounced. The 6 most frequently cited non-compliances during this segment of the reporting period, in descending order were: employee/staff requirements; outdoor play; supervision/staff-child ratios and grouping; children's medical and enrollment records; medical, dental, and general emergency plan; and safe and sanitary environment and equipment. These initial findings reflect the transition for centers to meet new rule requirements resulting in the comparative variation in most frequent non-compliances of past years.

III. 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 2,506 allegations of licensing violations during this annual reporting period (July 1, 2002 to June 30, 2003). 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: safety of children; inappropriate discipline; staff/child ratio; safe and sanitary furniture and equipment; maximum group size; medical/dental emergency plan. Approximately 1/3 of the allegations were substantiated.

Number of Allegations	Substantiated	Unable to Determine	Unsubstantiated
3,359	1,099	1,876	384

There was insufficient evidence to substantiate allegations in 1,876 investigatory cases. In the course of investigating complaints from the community, a total of 1,888 other types of non-compliances were noted. The center is mandated to submit a corrective action plan for all violations. Varying degrees of monitoring by the licensing section will occur to assure the center has achieved compliance. Additionally, technical support is increased. As a last resort, the provider is advised of enforcement actions that could potentially close the program should there be no other way the center can achieve compliance.

Completed Complaint Investigations	Unannounced Inspections	Telephone Contact	Announced Inspections	Other/Referral
1,597	1,066	461	38	32

The department completed a total of 1,597 complaint investigations during the annual reporting period. Complaint investigations often include the review of multiple allegations. The average number of complaints received each month statewide was 132. It was noted that parents of children in care were most likely to lodge a complaint.

Type of Facility Investigated	Center	School Age	Type A
	993	30	24

Of 1,047 complaint investigations completed, centers comprised 993 or 95% of the investigations. There were 3 proposed adjudication orders seeking to revoke center licenses during this reporting period.

IV. Abuse/Neglect And Serious Injury Reports

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.

Reports of Serious Injury: The licensing section has 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 of Information Systems (MIS) has developed an enhanced data entry and retrieval system and has initiated monthly statistical reports beginning April 2003.

Reports of Alleged Illegal Operations: The Child Care Licensing 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 205 reports of alleged illegal child care (unlicensed care for more than six children on a regular basis) operations between July 1, 2002 and June 30, 2003. A total of 92 on-site inspections were conducted at these homes. There have been 8 cases of illegal child care operations referred to the Attorney General's Office for legal action during this annual reporting period.

V. Licensing Supports

The department continues to utilize and enhance supporting data and software systems that have been developed for the purpose of meeting statutorily mandated responsibilities.

The Automated Licensing Inspection System: The portable, handheld computer inspection system allows licensing staff to complete and immediately present the center with the Ohio Administrative Code compliance findings on the day of the inspection and also provides for the report to be posted in the center as required by ORC Section 5104.04.

Data from this inspection report is then electronically transferred into the department's mainframe as well as to the department's child care website. This system allows parents to complete a guided search for child care and to review most current inspection information enabling them to make more informed choices for child care arrangements. Providers can access information regarding licensing rules, download forms and resource materials, and link to other websites for information about child care.

VI. Rule Review Activities

The department has completed the review process for the child care center rules, OAC 5101:2-12; school child care center rules, OAC 5101:2-17; and day camp funding approval rules, OAC 5101:2-18 during this reporting period. Rule filing was completed and a public hearing took place October 22, 2002. Revised rules for centers became effective April 1, 2003. The revised rules now combine center and school child care requirements and reduced the total number of rules from 131 to 43.

Type A home rules, O.A.C. 5104.2-13 were also reviewed and became effective July 1, 2003. Type A rules have been reduced from 69 to 43 rules.

Center rules and Type A home rules now have parallel number and subject references. The total number of Center, School Child and Type A homes rules have been reduced from 200 to 86.

Revised rules have initiated a requirement for child care center and Type A home administrators to complete a rules implementation training course. The department has begun the delivery of these trainings and anticipates completing them for current administrators by October 2004. Newly named administrators will have 6 months from hiring to complete this training.

Revised rules provide the opportunity for licensed facility administrators to request a review of licensing inspection findings. As of June 30, 2003, there were four requests for such reviews.

The Child Care Licensing Section would like to acknowledge and thank Ohio's child care provider community and advocates for their time, experience and thoughtful comments during the rule revision and continued review process.