

**Ohio Department of Job & Family Services
Bureau of Child Care Policy & Operational Support**

**Provider (Centers) Technical Assistance Letter 11-2015
Serious Risk Non-Compliance
Reductions and Removal Matrix for Step Up To Quality
March 5, 2015**

Background

Serious Risk Non-compliances (SRNC) for child care centers are outlined in Appendix A in rule 5101:2-17-02 of the Ohio Administrative Code (OAC). In order for a program to be considered for a Step Up To Quality (SUTQ) star rating, the child care program shall not have been cited for a six point SRNC or have non-compliances that total twelve points within the previous twelve months prior to the registration date and between the registration date and the awarded star rating.

Once rated, if a program has a non-compliance that is a six point SRNC or accumulates twelve points over twelve months, the SUTQ rating may be impacted.

Actions

The attached matrix is utilized to ensure consistent consequences for programs that have a six point SRNC or non-compliances that total twelve points. The Ohio Department of Job and Family Services will continue to monitor the impact to programs due to the SRNC citations and the appropriateness and outcomes of this process for future consideration.

**Reduction and Removal Matrix for Step Up To Quality (SUTQ) for Child Care Centers
OAC rule 5101:2-17-04(E)**

This matrix is a guideline to establish consistent consequences for a program who is cited for a serious risk non-compliance (SRNC). Factors taken into consideration include, but are not limited to:

- The intent of the person responsible for the action.
- The age of the child and their dependency on an adult.
- If the incident was self-reported.
- If the program has similar licensing violations in the past.
- The length of time over which a child’s safety was at risk.
- Whether or not this is a re-occurring incident.
- The location of the incident and the additional risk resulting from that location.
- What corrective action was taken to ensure safety of children would not be compromised again.

If the program receives a:	Then:
Warning	No Action will be taken to reduce or remove the star rating; however, six SRNC points will be documented and count towards the 12 month total. Any warning may result in a stricter penalty based on the scope and severity of the incident.
Rating Reduction	The program must wait 6 months before registering for a change of rating, or if reduced to a zero, 6 months before they can register to be rated.
Rating Removal	The program must wait 12 months before they can register to be rated.

For any 6 point SRNC citation listed below, the program will have a tiered penalty rating reduction:

Rule number and 6-point SRNC		1 st citation	2 nd citation	3 rd citation
07	Refuses Access	Rating Removal		
09	Administrator Falsifies Information to ODJFS	Rating removal		
	<ul style="list-style-type: none"> • If administrator remains at the program or if it appears the owner was aware of falsification • If the owner/owner’s representative was unaware of the administrator’s falsification 	Warning	Reduce by 2 stars	Rating Removal
15	Firearms on Premises	Warning	Reduce by 2 stars	Rating Removal
	<ul style="list-style-type: none"> • If administrator or staff were unaware of the firearm onsite and it was not accessible to children • If the firearm was accessible to children 	Rating Removal		
	<ul style="list-style-type: none"> • Extenuating circumstances: Incidents in which a child brings a gun to school and puts it someplace that the staff would not be required to check (example brings it in a book bag and hangs bag in cubby.) 	Warning	To be discussed	

17	Swimming <ul style="list-style-type: none"> Lifeguard used in the staff/child ratio Child (not school-age) swim in lakes, ponds, rivers, etc. Staff not actively supervising 	Warning	Reduce by 2 stars	Rating Removal
	<ul style="list-style-type: none"> No lifeguard Swimming site accessible to child w/out staff supervision 	Reduce by 2 stars	Rating Removal	
18	Transportation <ul style="list-style-type: none"> Child left unattended on a fieldtrip Child left unattended in a vehicle off-site 	Reduce by 2 stars	Rating Removal	
	<ul style="list-style-type: none"> Child left unattended in a vehicle on-site 	Warning	Reduce by 2 stars	Rating Removal
	<ul style="list-style-type: none"> Driver with a valid license is not at least 18 years of age Driver without valid license (this does NOT include just an expired license) 	Warning	Reduce by 2 stars	Rating Removal
	<ul style="list-style-type: none"> Driver under the influence 	Rating Removal		
20	Supervision <ul style="list-style-type: none"> Child unattended outside on-site but in a contained, "safe" area 	Warning	Reduce by 1 star	Rating Removal
	<ul style="list-style-type: none"> Child unattended outside and outside of a "safe" area or off-site or during a swimming activity 	Reduce by 2 stars	Rating Removal	
21	Program Fails to Report Possible Abuse/Neglect/Endangerment to Children Services	Rating Removal		
22	Abuse/Neglect/Endangerment <ul style="list-style-type: none"> by Staff that is substantiated by PSCA 	Rating Removal		
	<ul style="list-style-type: none"> Involvement of owner in inappropriate discipline 	Rating Removal		
23	Overnight Care <ul style="list-style-type: none"> Staff responsible for supervising children are asleep Children sleeping on an unapproved floor of the building 	Warning	Reduce by 2 stars	Rating Removal
26	Prohibitive Conviction <ul style="list-style-type: none"> Staff member with a prohibitive conviction remains employed and doesn't have rehabilitation paperwork on file and cannot prove if rehabilitation standards are met at the time of the inspection. Also, proof of rehabilitation was not submitted by deadline required in the corrective action plan. 	Reduce by 2 stars	Rating Removal	

	<ul style="list-style-type: none"> Staff refuses to be fingerprinted (without extenuating circumstances) 	Rating Removal		
31	Medication <ul style="list-style-type: none"> Medication error, given to the wrong child 	Warning	Rating Removal	
	<ul style="list-style-type: none"> Medication error, child given the wrong amount 	Warning	Rating Removal	
Accumulation of Points in Twelve Month Period				
12-14 Points		Reduce by 1 star		
15-17 Points		Reduce by 2 stars		
18 or more points		Rating removal		
Additional Factors				
A program's star rating may be removed if: <ul style="list-style-type: none"> Death or serious injury occurs to the child due to the licensing rule violation. 				