

Publicly Funded Child Care Step Up To Quality Exemption Scenarios

Beginning September 1, 2020, publicly funded child care (PFCC) can only be provided by Step Up To Quality (SUTQ) rated programs, 1-5 stars, unless the program meets an exemption. If an exemption is not met, a program's JFS 01144, "Provider Agreement for Publicly Funded Child Care Services" and any current PFCC authorizations may be terminated by ODJFS. To avoid a gap in payment and a program's ability to serve children participating in PFCC, currently unrated programs should submit an initial registration for SUTQ as soon as possible. If a program meets one of the exemptions listed below, this document will help determine when to register for SUTQ if there is a change in your exemption status.

*The Ohio Child Licensing and Quality System (OCLQS) was enhanced to support Ohio Administrative Code changes. The system changes now allow for a registration for SUTQ before the end of a program's exemption period.

The following programs are exempt and may provide PFCC without being SUTQ rated:

A

- A program that operates only during the summer and not more than 15 consecutive weeks
- A program that operates only during school breaks
- A program that operates only on weekday evenings/overnights, weekends, or both

B

- A program that has a pending revocation action, but the license has not yet been revoked
- A program that is in provisional license status

C

- A program that had its SUTQ rating removed or reduced to zero by ODJFS within the previous 12 months (this does not include initial registrations)

Group A

Programs that operate during any one or more of the following time periods:

- Summer only and for no more than 15 consecutive weeks
- School breaks (fall/winter/spring breaks, school in-service days and holidays)
- Non-traditional hours (7 pm – 6 am weekdays and/or 12 am Saturday – 6 am Monday)

These programs must self-declare their exemption status in OCLQS. If there is a change in programming, it is the provider's responsibility to log into OCLQS and remove the exemption information. Programs are encouraged to review and align their programming with the SUTQ standards prior to initial registration. Programs should submit an initial registration for SUTQ **within 30 days of no longer meeting the exemption criteria** to avoid a gap in payment and the ability to provide PFCC services.

Please reference [Provider Technical Assistance Letter #25](#) and the [SUTQ Provider Exemption Job Aid](#) for further instructions on documenting exemptions in OCLQS.

Examples:

A-1. A program currently operates only during school breaks and holidays, like Martin Luther King Day. The program is changing and will operate every weekday from September 20, 2020 – March 15, 2021. The program will need to report in OCLQS that they no longer meet an exemption within 30 days of the change. Additionally, the program should submit an initial registration for SUTQ no later than October 20, 2020 to avoid a gap in payment and the ability to provide PFCC services.

A-2. A program currently operates from 8 pm – 5 am and these hours of operation have been reported in OCLQS. The program is changing August 15, 2020 and will start operating 24 hours a day. The program will need to report in OCLQS that they no longer meet an exemption within 30 days of the change. Additionally, the program should submit an initial registration for SUTQ no later than September 14, 2020 to avoid a gap in payment and the ability to provide PFCC services.

Group B

When the Ohio Department of Job and Family Services (ODJFS) proposes to revoke a program's license the program's rating is removed. However, the program is exempt and may provide PFCC during the revocation process. Programs are encouraged to continue aligning their programming with the SUTQ standards. If the program's license is not revoked, the program must submit a registration for SUTQ **within 30 days of the end of the revocation process** to avoid a gap in payment and the ability to provide PFCC services.

Example:

B-1. ODJFS issues a proposed adjudication order (PAO) that notifies the program of ODJFS' intent to revoke the program's license. The program receives the notice on

August 3, 2020. The final decision not to revoke the license is issued on November 20, 2020. The program will need to submit a registration for SUTQ no later than December 20, 2020 to avoid a gap in payment and the ability to provide PFCC services.

Programs in provisional license status are exempt and may provide PFCC services while operating under a provisional license. These programs can submit an initial registration for SUTQ anytime but should submit a registration **no later than 90 days before the end of their provisional period** to avoid a gap in payment and the ability to provide PFCC services. The exemption period ends when the continuous license is issued.

Example:

B-2. A program’s provisional period is January 6, 2020 – January 5, 2021. The program should submit an initial registration for SUTQ by October 7, 2020 to avoid a gap in payment and the ability to provide PFCC services.

Group C

Programs whose rating is **reduced to zero** due to a serious risk noncompliance (SRNC) or when the program accumulates 24 – 30 moderate and serious risk noncompliance points cannot be rated for 6 months from their reduction effective date per Ohio Administrative Code. However, per Ohio Revised Code, these programs are exempt and may provide PFCC for 12 months without being rated. Programs whose ratings are reduced to zero can submit a registration for SUTQ **60 days after the reduction effective date but no later than 90 days before their exemption ends** to avoid a gap in payment and the ability to provide PFCC services. The expiration of the exemption is 12 months from the reduction date.

Example:

C-1. A program’s rating is reduced to zero, effective October 6, 2019. The program cannot be rated for 6 months (until April 3, 2020). However, the program is exempt for 12 months and may provide PFCC until October 6, 2020. The program can submit a registration for SUTQ as early as December 5, 2019 but no later than July 8, 2020 to avoid a gap in payment and the ability to provide PFCC services.

Rating reduced (effective date)	October 6, 2019
Program cannot be rated for 6 months	April 3, 2020
Earliest the program can register (60 days after reduction effective date)	December 5, 2019
12-month exemption period	October 6, 2019 – October 6, 2020
Latest the program can register (90 days before exemption ends)	July 8, 2020

Programs whose ratings are **removed** due to a serious risk noncompliance (SRNC) or an accumulation of moderate and serious risk noncompliance points (30 or more) are exempt and may provide PFCC for 12 months without being rated. Programs whose ratings are removed may submit a registration for SUTQ **as soon as 180 days but no later than 90 days** before their

exemption ends to avoid a gap in payment and the ability to provide PFCC services. The expiration of the exemption is 12 months from the removal date.

Example:

C-2. A program’s rating is removed effective February 2, 2020. The program cannot be rated for 12 months (until February 2, 2021). However, the program is exempt for 12 months and may provide PFCC until February 2, 2021. The program should submit a registration for SUTQ between August 6, 2020 – November 4, 2020 to avoid a gap in payment and the ability to provide PFCC services.

Rating removed (effective date)	February 2, 2020
Program cannot be rated for 12 months	February 2, 2021
Earliest the program can register (180 days before exemption ends)	August 6, 2020
12-month exemption period	February 2, 2020 – February 2, 2021
Latest the program can register (90 days before exemption ends)	November 4, 2020

Programs that are currently rated and **at any time do not meet the SUTQ standards** may have their rating removed as a result. Per Ohio Revised Code, these programs are exempt and may provide PFCC for 12 months without being rated. Programs whose ratings are removed for not meeting the standards can immediately submit a registration for SUTQ. However, the program should submit a registration for SUTQ **no later than 90 days before their exemption ends** to avoid a gap in payment and the ability to provide PFCC services. The expiration of the exemption is 12 months from the removal date.

Examples:

C-3. The program’s rating is removed effective April 12, 2020 after the review of the annual report. The program is exempt for 12-months and may provide PFCC until April 12, 2021. The program can submit a registration for SUTQ immediately after the rating is removed, but no later than January 12, 2021 to avoid a gap in payment and the ability to provide PFCC services.

C-4. The program’s rating is removed effective September 6, 2020 because the program did not meet the professional development (PD) requirements. The program is exempt for 12-months and may provide PFCC until September 6, 2021. The program can submit a registration for SUTQ immediately after the rating is removed, but no later than June 8, 2021 to avoid a gap in payment and the ability to provide PFCC services.

Frequently Asked Questions

1. **What program types are not eligible for SUTQ but are permitted to provide PFCC?**
 - In-home aides
 - Border state programs
 - Approved day camps

- 2. I have never been rated and I am not exempt. My program has accumulated 24 or more moderate and/or serious risk noncompliance points. As a result, I am not eligible to be SUTQ rated. Can I continue to provide PFCC services after September 1, 2020?**

No, all licensed family child care providers/child care centers must be rated in SUTQ unless the program meets an exemption for PFCC. The program should work to align to the SUTQ standards and submit an initial registration when you have less than 24 accumulated points in the last 12 months.

- 3. My program provides PFCC and temporarily closed, effective November 16, 2019. As a result, my program's SUTQ rating was discontinued on February 15, 2020. We plan to reopen on October 1, 2020. When should I register for SUTQ?**

You should request in OCLQS that your SUTQ rating be reinstated. This request should be submitted prior to October 1, 2020, the day you plan to reopen, to avoid a gap in payment and the ability to provide PFCC services.

- 4. My program operates a part-time preschool and a provides care for school-aged children during school-out days at the same location. How do I report my exemption?**

Your program is not exempt from the requirement to be SUTQ rated because your part-time preschool program operates during the school year.

- 5. My program's SUTQ rating expired after September 1, 2020 and I did not submit a renewal registration, so the rating was discontinued. Am I exempt?**

No, your program does not meet any of the exemptions, since your rating was discontinued and because you are not rated, you cannot provide PFCC.

- 6. My annual report was due August 15, 2020 and we did not submit it, so my SUTQ rating was discontinued. Am I exempt?**

No, your program does not meet any of the exemptions since your rating was discontinued.

- 7. My program's SUTQ rating was removed. During the 12-month exemption period, I submitted a registration and I did not meet the standards for a rating. When does my exemption end?**

Because your rating was removed, you are exempt 12 months from the date of the rating removal. The program should work to align to the SUTQ standards and submit a registration again. However, the program should submit no later than 90 days before your exemption ends to avoid a gap in payment and the ability to provide PFCC services.

- 8. My program has never been SUTQ rated so I submitted an initial SUTQ registration. I do not meet the standards for a rating and am not rated. Am I exempt?**

No, initial registrations that do not result in a rating are not an exemption.

9. **My program only operates when schools are closed, such as fall, winter, and spring breaks, scheduled days off, and calamity/snow days. Am I exempt?**

Yes. However, if your program also operates on late start or early dismissal days when school is in session, then your program is no longer exempt and must be SUTQ rated in order to provide PFCC.

10. **My program provides only before/after school care for school agers, am I exempt?**

No, your program is not exempt and must be SUTQ rated in order to provide PFCC.

11. **My rating was removed effective April 2019. My 12-month exemption period ends in April 2020. When does my program have to be rated in order to provide PFCC?**

All programs providing PFCC who do not meet an exemption must be rated by September 1, 2020. The program should work to align to the SUTQ standards and submit a registration for SUTQ as soon as OCLQS system changes are live.

12. **Is a reduction/removal to zero the same things as being unrated?**

No, they are two different concepts. An unrated program is a program that has never been rated in SUTQ. A previously rated program with a reduction/removal to zero is currently not rated and may meet one of the exemption criteria.