

**Ohio Department of Job & Family Services
Bureau of Child Care Policy & Technical Assistance**

**Provider Technical Assistance Letter 11
Moderate and Serious Risk Non-Compliance Reductions and Removal Guidelines
for Step Up To Quality for Child Care Centers
December 31, 2016
Updated October 1, 2018**

Background

Moderate Risk Non-Compliances (MRNC) and Serious Risk Non-Compliances (SRNC) for child care centers are outlined in Appendix A in rule 5101:2-12-03 of the Ohio Administrative Code (OAC). MRNCs are assigned a point value of three and SRNCs are assigned a point value of six. All non-compliances not identified as a MRNC or a SRNC are considered low-risk and are valued as one point. MRNCs and SRNCs are cited as non-compliances during a program's licensing inspection and may impact the Step Up To Quality (SUTQ) rating.

In order for a program to be considered for a SUTQ star rating, the child care program cannot have been cited for a six-point SRNC or have a total of eighteen MRNC and/or SRNC points in the previous twelve months prior to the registration date and between the registration date and the awarded star rating.

As outlined in the SUTQ rule 5101:2-17-04 of OAC, once rated, if a program has a non-compliance that is a six-point SRNC or accumulates eighteen MRNC and/or SRNC points over twelve months, the SUTQ rating may be impacted. Low risk non-compliance points are not included in the accumulation.

Process

If a program disagrees with licensing non-compliance findings then the program may submit a Request for Review by submitting the JFS 01155 "Request for Review for Licensing and Step Up To Quality" within seven business days of the receipt of the licensing report per OAC 5101:2-12-03 (F)(1). This allows for the opportunity to request that any MRNCs and/or SRNCs be reviewed in order to be overturned to prevent the SUTQ rating from potentially being impacted.

If the licensing non-compliance(s) are not overturned or if the time period to request a licensing review has passed and the JFS 01155 was not submitted, the licensing non-compliance(s) that are MRNCs and SRNCs are reviewed to determine if a SUTQ rating reduction or removal is warranted. The Corrective Action Plan (CAP) submitted for the licensing violation is also reviewed and all applicable factors are considered.

A program is notified when a reduction or removal is determined. If the program disagrees with the reduction/removal of the SUTQ star rating, the program may submit the JFS 01155 "Request for Review for Licensing and Step Up To Quality" within seven business days of the receipt of the SUTQ reduction or removal letter per OAC 5101:2-17-05 (B).

Changes

The attached matrix is utilized as a guide by the Ohio Department of Job and Family Services (ODJFS) to ensure consistent consequences for programs that have a six-point SRNC or MRNC and/or SRNC non-compliances that total twenty-four points or more. This point increase from eighteen to twenty-four points is the result of stakeholder feedback received during the SUTQ five-year review Clearance process. The SUTQ amended rules, effective January 6, 2019, will reflect this change as well. The ODJFS will continue to monitor the impact to programs due to the MRNC and/or SRNC citations and the appropriateness and outcomes of this process for future consideration.

**Reduction and Removal Guidelines for Step Up To Quality (SUTQ) for Child Care Centers
OAC rule 5101:2-12-03-Appendix A (Effective 10/1/2018)**

Any non-compliance may result in a stricter penalty based on the scope and severity of the incident.

Factors taken into consideration include, but are not limited to:

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| <ul style="list-style-type: none"> • 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 had similar licensing violations in the past. • Administrator/owner awareness or involvement in the risk or incident. | <ul style="list-style-type: none"> • 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 there was a serious incident or serious injury to a child as defined in Chapter 12. |
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| If the program receives a: | Then: |
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| 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. |
| 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 may have a rating reduction or removal as outlined below:

| Rule number and 6-point SRNC | | 1 st citation | 2 nd citation | 3 rd citation |
|------------------------------|--|--------------------------|--------------------------|--------------------------|
| 03 | Compliance inspection and complaint investigation <ul style="list-style-type: none"> Owner or administrator refuses ODJFS access to program. Administrator/owner falsifies information to ODJFS. | Rating Removal | | |
| | <ul style="list-style-type: none"> Child care staff member (CCSM) or employee refuses ODJFS access to program. | Warning | Reduce by 1 star | Rating Removal |
| 09 | Background check requirements <ul style="list-style-type: none"> Administrator, employee or CCSM is not eligible for employment and remains employed. Owner, owner’s representative, administrator, employee or CCSM refuses to submit information for a background check. | Rating Removal | | |
| 12 | Firearms on Premises <ul style="list-style-type: none"> Weapons, firearms and ammunition are accessible to children on the premises and there’s no valid exemption, or are accessible to children while being carried by someone with a valid exemption. | Rating Removal | | |
| | <ul style="list-style-type: none"> Extenuating circumstances: Incidents in which a child brings a gun to program and puts it someplace that the program would not be required to check (example brings it in a book bag and hangs bag in cubby). | Warning | Reduce by 1 star | Rating Removal |
| 14 | Transportation <ul style="list-style-type: none"> Child left unattended on a fieldtrip or in a vehicle. CCSM or employee is under the influence of drugs or alcohol. | Reduce by 1 star | Rating Removal | |
| | <ul style="list-style-type: none"> Driver not 18 years old. Driver is not appropriately licensed, has a suspended license or has a license that expired more than 6 months ago. Contracted driver is under the influence of drugs or alcohol. | Warning | Reduce by 1 star | Rating Removal |
| | <ul style="list-style-type: none"> Program owner/administrator is under the influence of drugs or alcohol. | Rating Removal | | |
| | Supervision of children and child guidance <ul style="list-style-type: none"> Child unattended outside on-site but in a contained, “safe” area. Child unattended outside of a facility building, during a swimming activity or any time a child is off-site, and no child was seriously injured or a serious incident did not occur. Children not protected from harm and no child was seriously injured or a serious incident did not occur | Warning | Reduce by 1 star | Rating Removal |

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| 19 | Supervision of children and child guidance <ul style="list-style-type: none"> Child unattended outside of a facility building, during a swimming activity or any time child is off-site, and a child was seriously injured or a serious incident occurred. Child(ren) not protected from harm and a child was seriously injured or a serious incident occurred. | Reduce by 1 star | Rating Removal | |
| | <ul style="list-style-type: none"> Substantiated PCSA finding of abuse/neglect/endangerment that occurred in the program for an owner, administrator, employee or CCSM and the individual was terminated from employment. | Warning | Reduce by 1 star | Rating Removal |
| | <ul style="list-style-type: none"> Program fails to report suspected abuse/neglect/endangerment to local PCSA. Substantiated PCSA finding of abuse/neglect/endangerment that occurred in a program for an owner, administrator, employee or CCSM and the individual was not terminated from employment. Owner or administrator uses prohibited disciplinary techniques. | Rating Removal | | |
| 21 | Evening and overnight care <ul style="list-style-type: none"> Staff responsible for supervising children are asleep. Child(ren) are asleep on an unapproved floor of the building. | Warning | Reduce by 1 star | Rating Removal |
| 24 | Swimming and water safety <ul style="list-style-type: none"> Staff not actively supervising, and no child was seriously injured, or a serious incident did not occur. Lifeguard is used to meet ratio. Child swimming in lakes, ponds, rivers, etc. | Warning | Reduce by 1 star | Rating Removal |
| | <ul style="list-style-type: none"> Staff not actively supervising, and a child was seriously injured or a serious incident occurred. No life guard present during water activity. Swimming site accessible to child w/out staff supervision. | Reduce by 1 star | Rating Removal | |
| 25 | Medication <ul style="list-style-type: none"> Medication was administered to the wrong child. | Warning | Rating Removal | |

| Accumulation of MRNC and/or SRNC Points in Twelve Month Period | |
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| 24 Points | Reduce by 1 star |
| 30 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 a child. | |

As a result of the 2-star transition, if a program's star rating is scheduled to be reduced to a 2-star rating pursuant to the tiered rating reduction described above, the program will instead be reduced to a 1-star rating.