

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

Provider Technical Assistance Letter 12 Step Up To Quality Rating Reduction and Removal Guidelines for Family Child Care Updated October 29, 2021

Background

This document is utilized as a guide by the Ohio Department of Job and Family Services (ODJFS) to ensure consistent consequences to a program's Step Up To Quality (SUTQ) rating based on rule violations cited at a licensing inspection.

Serious risk non-compliances (SRNC) and moderate risk non-compliances (MRNC) for family child care homes are outlined in Appendix A to rule 5101:2-13-03, of the Ohio Administrative Code (OAC).

- SRNCs are assigned a point value of six;
- MRNCs are assigned a point value of three; and
- Low risk non compliances are assigned a point value of one.

SRNCs and MRNCs cited as non-compliances during a program's licensing inspection may impact the SUTQ rating as outlined in rule 5101:2-17-04, of the OAC. Once SUTQ rated, if a program has a SRNC or an accumulation of MRNC and/or SRNC points that total twenty-four points or more within the previous twelve months, then their SUTQ rating may be impacted. Low risk non-compliance points are not included in this accumulation.

Changes

As part of the five- year rule review of family child care licensing rules, Appendix A to rule 5101:2-13-03, of the OAC, was revised to consolidate non-compliances and to update the appendix to match revised rule language. These changes were applied to the reduction and removal guidelines.

Process

If a program disagrees with non-compliance finding, then the program may submit the JFS 01155 "Request for Review for Licensing and Step Up To Quality" within seven business days of receipt of the licensing report per rule 5101:2-13-03, of the OAC. This allows the program the opportunity to request that any MRNCs and/or SRNCs non-compliance to be reviewed, and possibly overturned, to prevent the SUTQ rating from potentially being impacted.

If the licensing non-compliance(s) is 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 is a MRNC and/or SRNC is reviewed to determine if a SUTQ rating reduction or removal is warranted. The corrective action plan submitted for the licensing violation is also reviewed and all applicable factors are considered.

A program that has an identified SRNC or an accumulation of twenty-four or more combined MRNC and/or SRNC points within the previous twelve-months is reviewed by the Reduction Removal Committee and a determination of action regarding the SUTQ rating is made using the guidelines in this document.

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 rule 5101:2-17-05, of the OAC.

Reduction and Removal Guidelines for Step Up To Quality (SUTQ) for Family Child Care Rule 5101:2-13-03, Appendix A, of the OAC (Effective 10/29/2021)	
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:	
<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 FCC had similar licensing violations in the past. • Provider 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 13
If the FCC 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.
Rating Reduction	The FCC provider 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 FCC provider must wait 12 months before they can register to be rated.

For any 6-point SRNC citation listed below, the family child care 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"> Provider refuses ODJFS or county agency access to program. Provider falsifies information to ODJFS or county agency. 	Rating Removal		
	<ul style="list-style-type: none"> Resident, child care staff member (CCSM) or employee refuses ODJFS or county agency access to home. 	Warning	Reduce by 1 star	Rating Removal
09	Background check requirements <ul style="list-style-type: none"> Provider has an ineligible background check. Resident, employee or CCSM is not eligible for employment or residency and remains employed or in the home. Provider, resident, employee or child care staff member refuses to submit information for a background check request or refuses to submit fingerprints. 	Rating Removal		
12	Safe equipment and environment <ul style="list-style-type: none"> Firearms, weapons or ammunition materials are not secure and there's no valid exemption or carried by someone with a valid exemption but are accessible while child(ren) is present. Illegal drugs on premises or alcohol accessible while child(ren) is present. 	Rating Removal		
	<ul style="list-style-type: none"> Extenuating circumstances: Incidents in which a child brings a gun to FCC 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 and field trip safety <ul style="list-style-type: none"> Driver, other than the Provider, is under the influence of drugs or alcohol or other substances which could impair driving. 	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. 	Warning	Reduce by 1 star	Rating Removal
	<ul style="list-style-type: none"> Provider is under the influence of drugs or alcohol or other substances which could impair driving. 	Rating Removal		
	Supervision of children and child guidance <ul style="list-style-type: none"> Child (not school-age) unattended outside but in a contained, "safe" area. 	Warning	Reduce by 1 star	Rating Removal

	<ul style="list-style-type: none"> • 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 child’s safety was not jeopardized. • Child completely left alone in home (no adults) and no child was seriously injured, or a child’s safety was not jeopardized. 			
19	<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 child’s safety was jeopardized. • Child completely left alone in home (no adults) and a child was seriously injured or a child’s safety was jeopardized. • Child(ren) not protected from harm and child was seriously injured or a child’s safety was jeopardized. 	Reduce by 1 star	Rating Removal	
	<ul style="list-style-type: none"> • Substantiated Public Children Services Agency (PCSA) finding of abuse/neglect/endangerment that occurred in a program for an employee, CCSM, or resident and the individual was terminated from employment or the resident no longer resides in the home. 	Warning	Reduce by 1 star	Rating Removal
	<ul style="list-style-type: none"> • Provider fails to report suspected abuse/neglect/endangerment to PCSA. • Substantiated PCSA finding of abuse/neglect/ endangerment that occurred in a program for an owner, administrator, employee, CCSM or a resident and the individual was not terminated from employment or the resident continues to reside in the home. • Provider uses prohibited disciplinary techniques. 	Rating Removal		
24	<p>Swimming and water safety requirements</p> <ul style="list-style-type: none"> • Staff not actively supervising, and no child was seriously injured, or a child’s safety was not jeopardized. • Child(ren) swimming in lakes, ponds, rivers, etc. • Lifeguard used to meet ratio. 	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 child’s safety was jeopardized. • No lifeguard present during water activity. • Swimming site accessible to child w/out staff supervision. 	Reduce by 1 star	Rating Removal	
25	<p>Medication administration</p> <ul style="list-style-type: none"> • Medication administered to the wrong child. 	Warning	Rating Removal	

Accumulation of MRNC and/or SRNC Points in Twelve Month Period	
24 Points	Reduce by 1 star
30 Points	Rating removal
Additional Factors	
FCC 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 provider’s star rating is scheduled to be reduced to a 2-star rating pursuant to the tiered rating reduction described above, the provider will instead be reduced to a 1-star rating.