



Department of
Job and Family Services



Office of Families and Children
Bureau of Child Care and Development

ANNUAL CHILD CARE LICENSING REPORT State Fiscal Year 2010



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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 Ohio Revised Code (ORC):

“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 violation. 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.”

The data in this report covers licensing activities performed during state fiscal year 2010, between July 1, 2009, and June 30, 2010. Detailed inspection information specific to licensed centers and type A homes is available at <http://www.odjfs.state.oh.us/cdc/query.asp>. (Type A homes contain 7 to 12 children who are cared for in the provider’s personal residence. These must be licensed by ODJFS. Type B homes contain 1 to 6 children who are cared for in the provider’s personal residence. Type B homes do not require a license and, thus, are not the subject of this report.)

Overview

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 for new applications and continue throughout the course of business for that provider. 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, as well as allegations about programs operating without a license.

Inspection information is entered into a mobile software application that allows the Child Care Licensing Specialist to generate a report of details regarding the inspection conducted on-site.

At the end of state fiscal year (SFY) 2010, Ohio had 4,294 licensed child care facilities, including 247 type A homes serving 270,521 children enrolled. Approximately 28,945 child care staff were employed in Ohio’s licensed facilities.

The ODJFS Bureau of Child Care and Development, Child Care Licensing Section, successfully performed 8,687 inspections, licensed 299 new centers, and provided ongoing technical assistance and training to the child care community in support of promoting quality care to Ohio’s children during SFY 2010. This compares to 8,602 inspections completed and 228 newly licensed centers during SFY 2009.

The five most frequent out-of-compliance areas for this reporting period were:

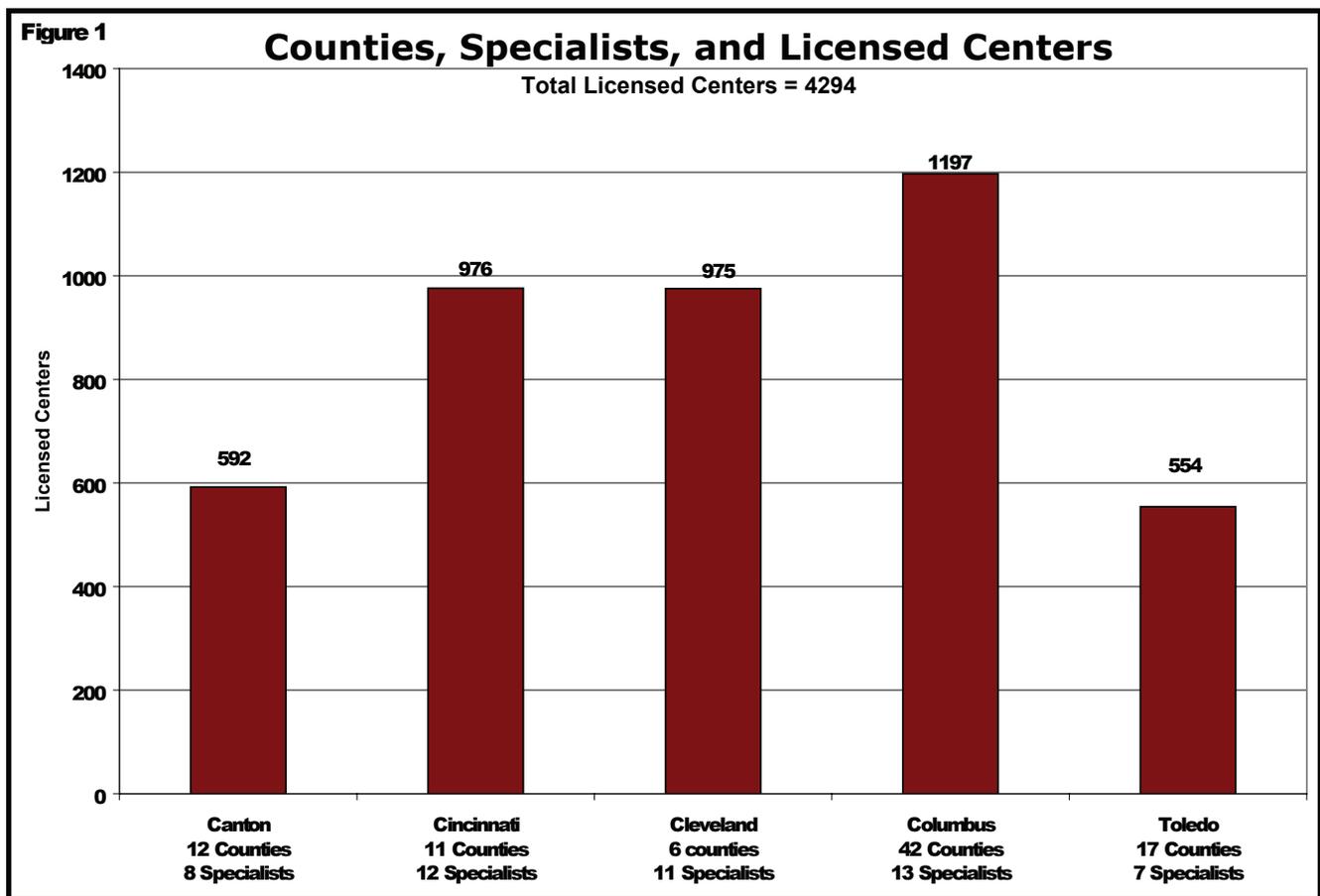
1. statement of non-conviction and criminal records check
2. employee records
3. medical/enrollment records
4. safe indoor equipment/environment
5. children’s attendance records

Licensing Staff

Child Care Licensing staff are responsible for licensing and monitoring child care centers and type A family child care homes, as well as registering summer day camps. ODJFS child care licensing staff help licensed providers comply with existing regulations through regular assessments and ongoing technical assistance.

Licensing staff conduct inspections and investigations of complaint allegations made against licensed programs, as well as reports of unauthorized child care, such as, child care that exceeds the statutory limit of number of children in care at any one time without being licensed.

Child Care Licensing staff are located in Columbus at the Central Office (50 W. Town St.) and in five regional field offices around the state: Canton, Cincinnati, Cleveland, Columbus, and Toledo (Maumee). The Central Office has one manager. The regional offices have a total of 8 supervisors and 51 child care licensing specialists. Figure 1 reflects the number of counties, specialists and licensed child care centers by district.



Technical Assistance

In addition to monitoring and facilitating compliance with regulations and investigating complaint allegations, Child Care Licensing staff continuously offer technical assistance and training to the child care community as a means to promote quality child care in Ohio. Technical

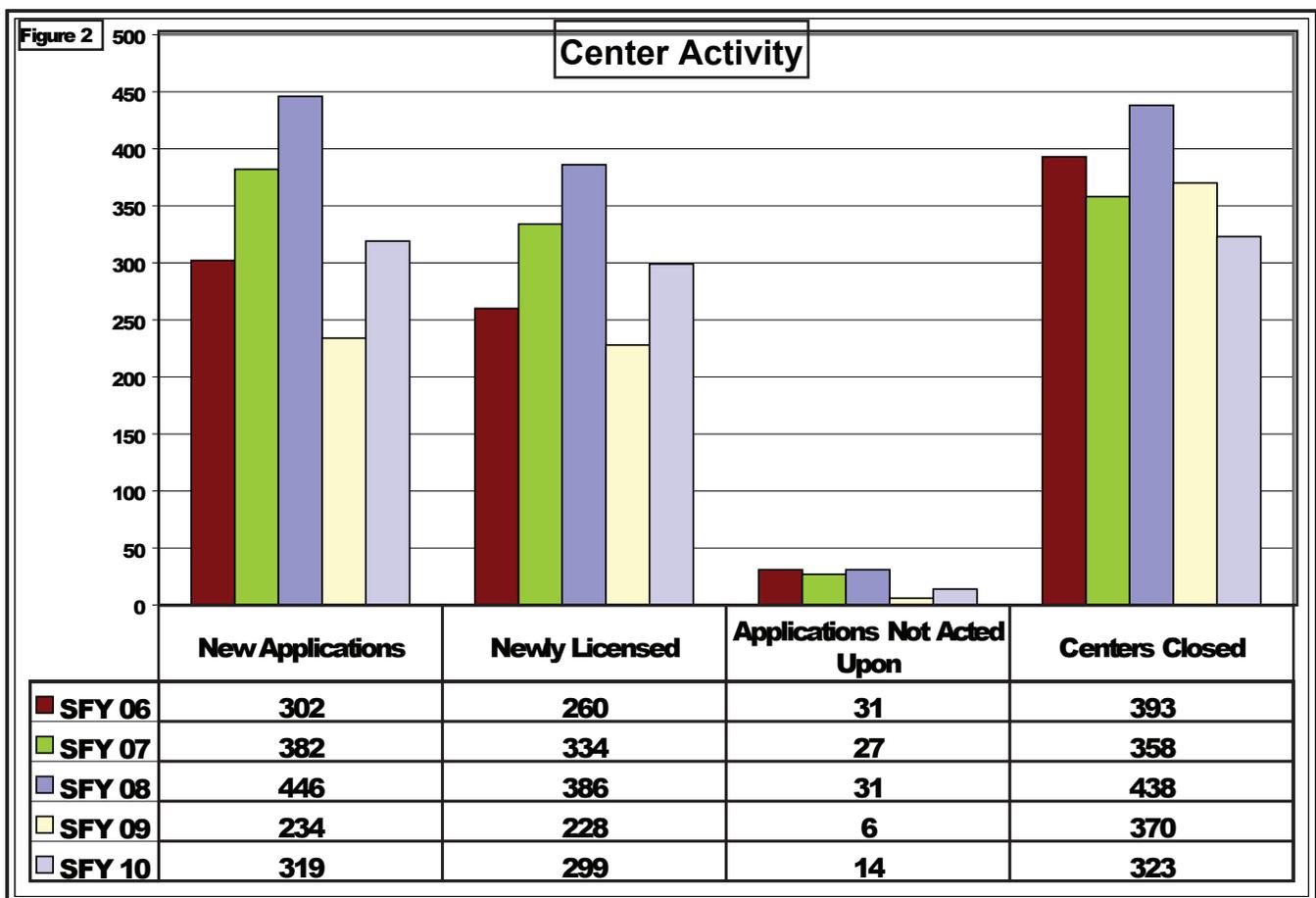
assistance consists of providing suggestions for reaching or maintaining compliance with minimum health and safety requirements, as well as suggestions for exceeding minimum licensing requirements. Trainings on how to achieve health, safety and licensing requirements are routinely and regularly conducted with new administrators throughout the state. During the most recent reporting period, 1,245 center administrators participated in 36 administrator rule training sessions.

Program Demographics

Center Activity

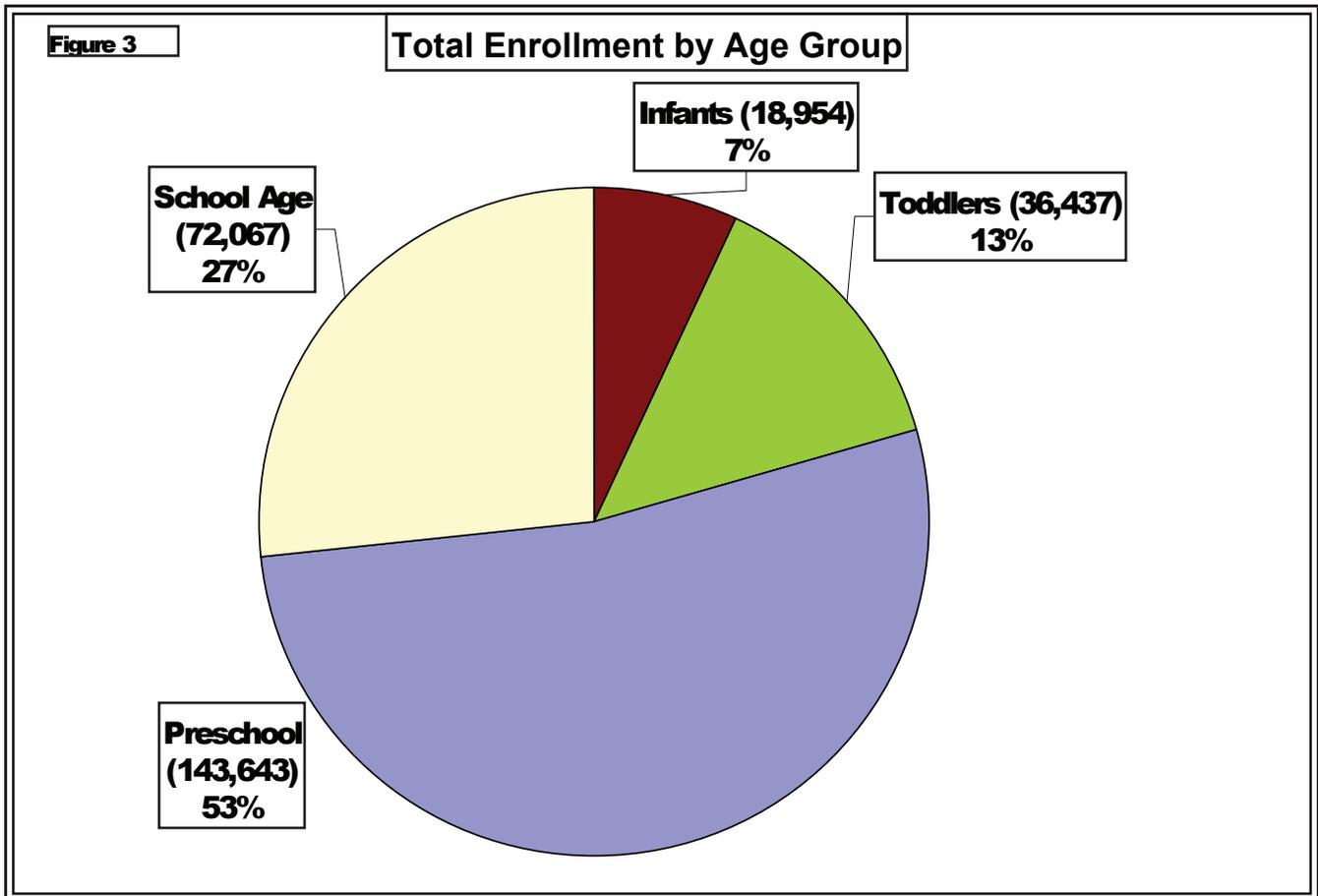
During SFY 2010, the Child Care Licensing Section received 319 new applications for licensure, which was 85 more than it received in SFY 2009. Of those 319 new applications, the bureau licensed 299 new child care providers.

The following chart compares the number of applications received, centers licensed and centers closed over a five-year period. Historically, centers close primarily because of the voluntary ending of a program, a relocation or a change of ownership. Additional data is now collected at the time of closure in order to better understand changes in center operations in Ohio.



Enrollment

Ohio child care providers have the capacity to serve 331,185 children at 4,294 centers and type A homes, from infants to school age. At the end of SFY 2010, 271,101 children (82% of capacity¹) were being served by the 4,294 licensed facilities in Ohio. Figure 3 depicts the number of children served by age.

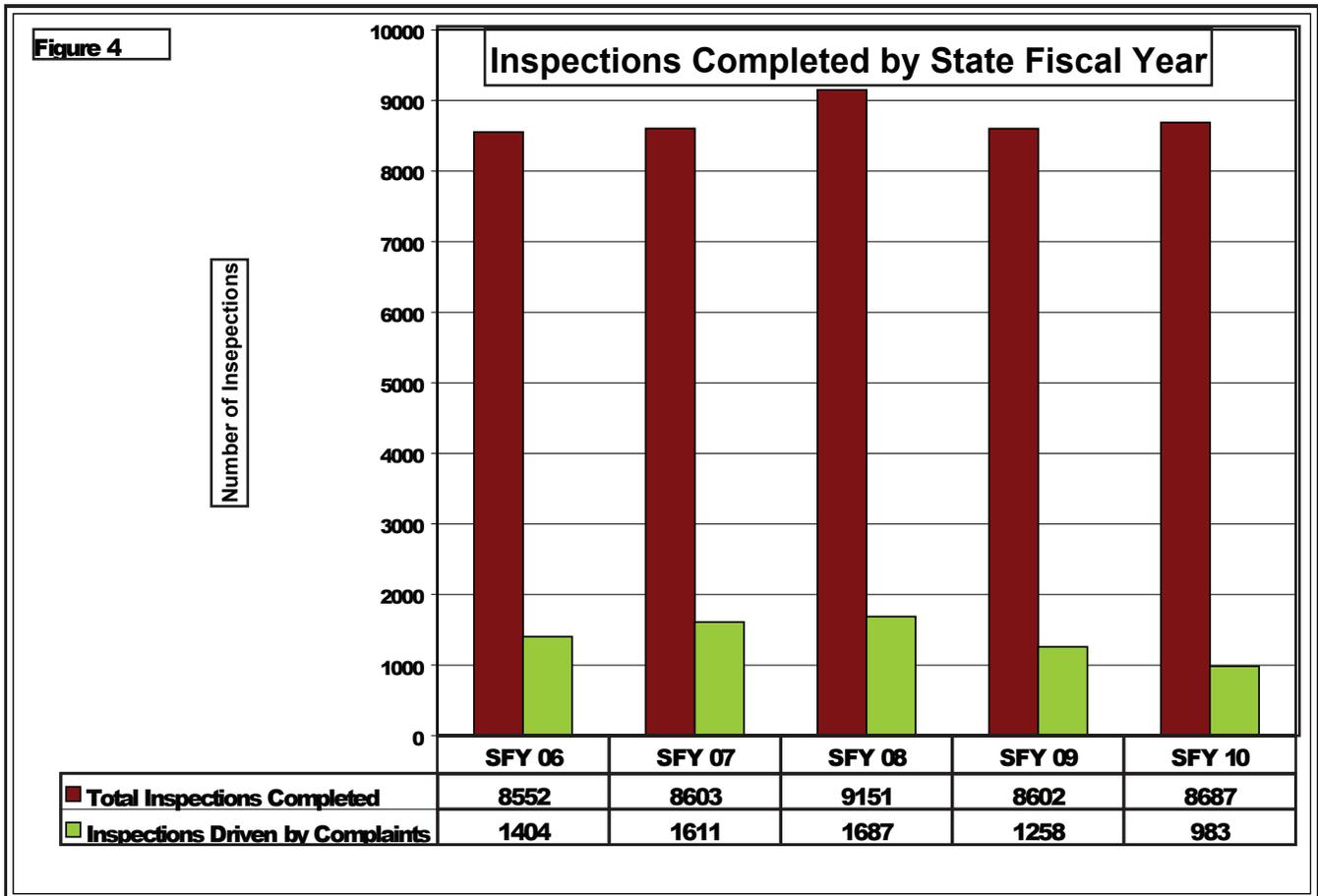


¹Multiple children can fill one opening due to the offering of part-time child care services at full-time centers.

Inspections

Inspections Overview

In SFY 2010, licensing specialists completed 8,687 inspections of child care facilities in Ohio. Of those inspections, 983 were initiated because of complaints. Figure 4 shows the number of inspections completed during each of the past five state fiscal years, along with the number driven by complaints.



Summary of Compliance Findings

During on-site inspections of full-time programs, inspectors determine whether the programs are in compliance with 42 separate licensing rules that include numerous subparts. The majority of the “top ten” rules most frequently cited as being out of compliance are easily observable and verifiable. For example, nearly one-third of the “top ten” are associated with personnel or staffing documentation.

The following table shows the number of violations found for each of those top ten rules in SFY 2010. In order to help programs correct problems and achieve compliance, the Bureau of Child Care and Development developed packets of information explaining common violations, suggesting systems that can be put in place to achieve compliance, and offering training and monitoring recommendations.

Top Ten Rules Most Often Out of Compliance	
Rule	Total Number of Violations Determined in SFY 2010
*Statement of Non-Conviction & Criminal Records Check (BCII/FBI Background Checks)	5,380
Employee Records	4,625
Medical/Enrollment Records	3,126
*Safe Indoor Equipment/Environment	2,873
Children’s Attendance Records	2,001
*Administration of Medication	1,904
Sanitary Indoor Equipment/Environment	1,622
Medical/Dental/General Emergency Plan	1,132
First Aid Supplies/Procedures	1,130
*Care Plan for Children with Health Conditions	1,105
Total	24,898

* Denotes a Serious Risk Noncompliance category

Detailed Compliance Findings

The following tables show the number of rule violations documented in SFY 2010, grouped by category. A brief description of each rule category is provided at right.

Licensure/Approval Findings	
Rule Violation	2010 Findings
License Capacity	449
Food Service Licensure/Food Catered	169
Building Approval	92
Fire Department Approval	75
Application Denial/License Revocation	19
Inspection/Investigation Rights	5
Total	809

Licensure/Approval Findings – 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.

Licensed programs are required to give ODJFS staff access to their facilities to conduct inspections. Likewise, programs are required to provide accurate and truthful information to ODJFS upon application and in all subsequent communications.

Both the center’s license and all inspection reports for the current licensing period are required to be posted in the center for viewing. A center’s license capacity is the greatest number of children in each age category (infants, toddlers, preschool and school-age) authorized to be cared for in the center at any one time.

Children’s Records Findings	
Rule Violation	2010 Findings
Medical/Enrollment Records	3,391
Care Plan for Children with Health Conditions	1,171
Total	4,562

Children’s Records Findings – Programs are determined to be noncompliant when new or updated medical statements for each child are not available for review. Children’s records required to be on file at the center include, emergency contact numbers, detailed immunization records, lists of allergies, documentation for medications currently being administered, a list of any chronic physical problems and, if applicable, plans provided by parents or guardians explaining how to address their children’s health conditions.

Space/Program Findings	
Rule Violation	2010 Findings
Outdoor Play Equipment	1,038
Transportation Procedural Requirements 7	58
Transportation/Driver Requirements	547
Transportation/Vehicle Requirements	540
On-site Outdoor Play Space	487
Separation of Infants and Toddlers Under 2 ½ years	110
Swimming and Water Safety	51
Evening and Overnight Care	37
Smoke-Free Environment 2	6
Indoor Floor Space	25
Parks/Indoor Play Space	12
Total	3,631

Space/Program Findings –The minimum requirement for indoor floor space is 35 square feet per child using the space. A frequent noncompliance is the use of an area that has not been approved for child care programming. A noncompliance in the category of outdoor equipment indicates that something in the outdoor play environment posed a safety risk, such as a fall hazard or equipment in need of repair. Swimming and water safety rules provide guidelines for programs that either have swimming available on site, or that offer supervised water activities away from the center or type A home.

Infant/Toddler Care Findings	
Rule Violation	2010 Findings
Cribs	907
Hand Washing and Basic Precautions	623
Infant Food/Formula	590
Diapering and Toilet Training	373
Infant Daily Program	216
Infant Caregiver	54
Total	2,763

Infant/Toddler Care Findings – Infant programs are required to offer activities that are suitable to the age levels and abilities of the infants under care.

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

Classroom Findings	
Rule Violation	2010 Findings
Safe Indoor Equipment/Environment	3,125
Sanitary Indoor Equipment/Environment	1,713
Medical/Dental/General Emergency Plan	1,204
Staff/Child Ratios	842
Equipment/Materials	525
Supervision	511
Programming Environment	384
Group Size	364
Care/Nurturing of Children	347
Cots	314
Child Guidance/Management	104
Tooth Brushing	98
Total	9,531

Classroom Findings – This category includes a wide range of rules, from “Safe Indoor Equipment/Environment” to “Care and Nurturing of Children,” which requires that staff in licensed programs be responsible for the well-being and safety of each child they care for, and for meeting each child’s basic needs.

Some common noncompliance findings in this category are play equipment in need of repair, access of cleaning supplies or chemicals by children, and an insufficient staff-child ratio.

Staff Requirements Findings	
	2010 Findings
Statement of Non-Conviction and Criminal Records Check	5,695
Employee Records	4,875
Persons Trained in First Aid/CPR and in Prevention, Recognitions and Management of Communicable Disease and Child Abuse Recognition and Prevention	1,203
In-Service Training	975
Child Care Staff Educational Requirements	930
Administrator Responsibilities/Time On-Site	221
Administrator Qualifications	141
Total	14,040

Staff Requirements Findings – Many violations in this category are the result of centers not having the required documentation available for review. Examples include employee medical records, background check verifications and proof of in-service training.

Licensing Specialists follow up on these and all non-compliances to ensure that programs complete the steps submitted in their corrective action plans, and achieve compliance.

Food/Nutrition Findings	
Rule Violation	2010 Findings
Menus	563
Requirement for Meals/Snacks	289
Food Safety and Sanitation	164
Infant Formula and Toddler Milk	128
Requirement for Food Provided by Parents	96
Interval of Meals/Snacks	11
Total	1,251

Food/Nutrition Findings – Programs are required to ensure that all meals for children, whether they are provided by the center or by parents, meet minimum United States Department of Agriculture nutritional standards. A common non-compliance in this category is posted menus that do not reflect what is actually served at the center. This is frequently due to last-minute changes when foods intended to be served are not available for preparation.

Emergency Planning Findings	
Rule Violation	2010 Findings
First Aid Supplies/Procedures	1,231
Incident/Injury Reporting	153
Total	1,384

Emergency Planning Findings – When a child becomes ill, has an accident, or needs first aid or medical treatment while being cared for at a licensed center, child care providers are required to complete an incident/injury report, and to provide that report to the parent or guardian the same day. Serious incidents and injuries are required to be reported to ODJFS within a specified period of time. The relatively low number of findings in this category indicates that programs understand this requirement and are completing the form when such incidents occur.

Center Policy Findings	
Rule Violation	2010 Findings
Administration of Medicine	1,962
Center Information/ Policies/Procedures	658
Parent Roster	640
Management of Illness	82
Total	3,342

Center Policy Findings – Center policies and procedures must be provided to parents, guardians and employees of each program. Non-compliances in this category are typically the result of program information not being complete or not being consistently available.

Staffing/Attendance Findings	
Rule Violation	2010 Findings
Attendance	2,001
Second Adult	85
Substitutes	78
Children Combined When No More than 12 on Premises Staff/Child Ratios	27
Total	2,191

Staffing/Attendance Findings – Daily attendance records help ensure that children are safe and properly supervised. They are especially critical during times of evacuations and emergencies. Child care staff are responsible for maintaining these records and for knowing the whereabouts of the children in their care at any given time. Examples of non-compliances in this area are when children’s names are not included on rosters, when staff fail to note that a child has arrived and is on the premises, or when an insufficient number of staff are present to supervise children. The latter is a serious risk non-compliance.

Complaints

The Child Care Licensing Section is mandated to investigate complaints regarding allegations of violations of Ohio’s licensing regulations. The bureau received and investigated 983 complaints during SFY 2010. These included 2,024 allegations of non-compliances with child care licensing rules. Of the allegations reported, 509 were substantiated. The top three allegations concerned staff/child ratios, care and nurturing of children, and child guidance and management.

Often multiple allegations are made within one complaint. Upon inspection, it is common for some but not all of the allegations to be substantiated. Therefore, substantiated complaints are reported as those in which at least 50 percent of the allegations were determined to be true. Of the 983 complaints received, 249 had at least 50 percent of the allegations substantiated.

The following chart (figure 5) summarizes the number of complaints received and subsequent determinations made in SFY 2010. Unsubstantiated allegations were found not to have occurred. Undetermined allegations could not be proven true or false.

Complaints Summary

TOTAL RECEIVED	AVERAGE # REC'D PER MONTH	# ALLEGED VIOLATIONS	# UNSUB-STANTIATED	# SUBSTAN-TIATED	# UN-DETERMINED
983	81	2,024	82	509	1,433

fig 5

Rule	# of Times Alleged
Staff/Child Ratios	464
Care/Nurturing of Children	276
Child Guidance and Management	243
Safe/Sanitary Indoor Equipment/Environment	236
Incident/Injury Reporting	108
Center Information/Policies/Procedures	79
Meals and Snacks	75
Transportation	71
Criminal Records Checks for Staff	54
Administrative Qualification/Responsibilities	49

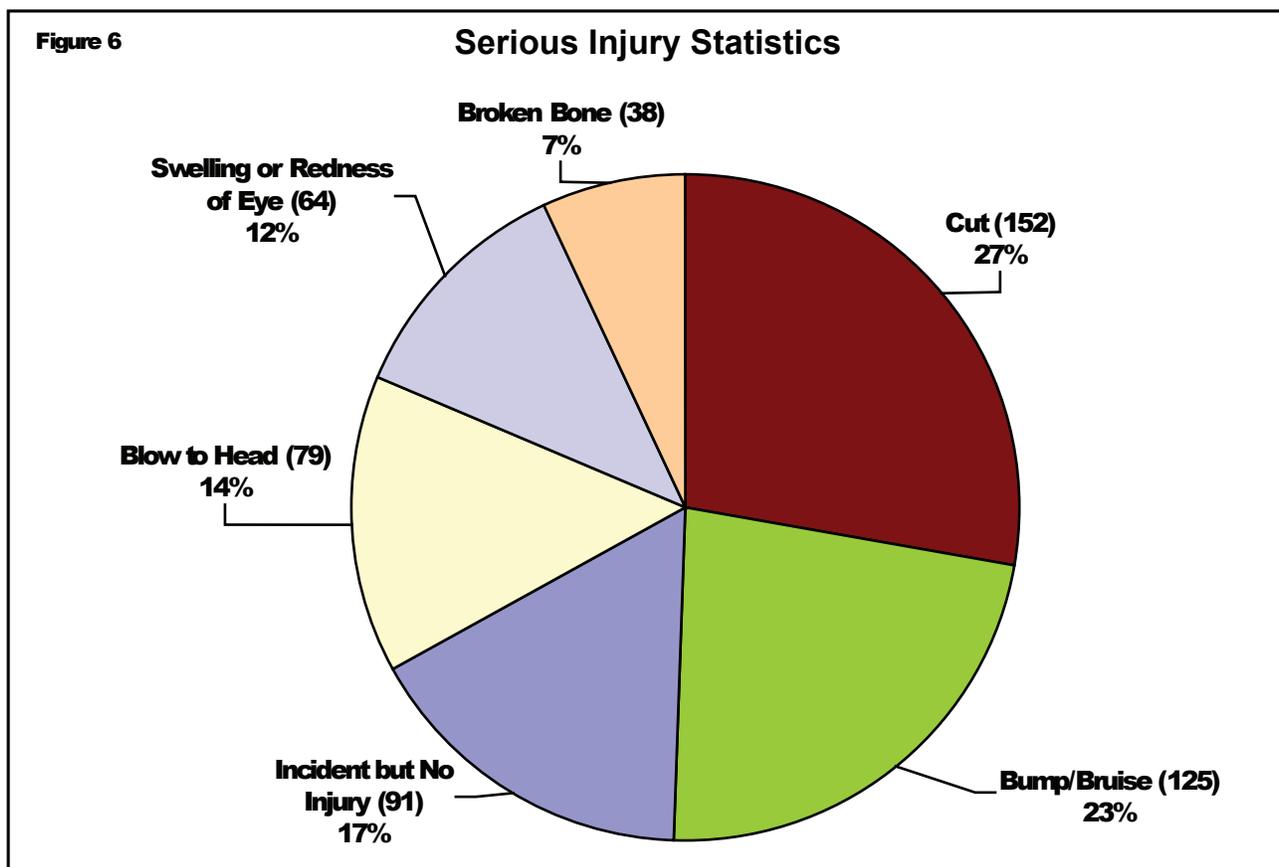
Incident/Injury Management

Incident/injury reports allow the Child Care Licensing Section to collect data and identify patterns related to when and why children are injured in child care. They allow trends to be analyzed and recommendations made for improved injury prevention strategies.

The section received 690 reports of serious incidents and injuries in licensed child care facilities during SFY 2010. A serious incident or injury is defined as including "any situation occurring while a child is in the care of the center that requires emergency medical treatment, professional consultation or transportation for emergency treatment." Centers and type A programs are required by rule to forward notice of all such incidents to ODJFS. One fatality occurred in a type A home, and was determined to be SIDS related. The three most frequently specified types of injuries reported were falls, bumps/bruises and non-injury-related incidents. Examples of non-injury-related incidents are when children are left unattended, when transportation incidents occur but with no injury, and when medication is found on a playground but no child is injured.

All incident/injury reports that are associated with complaints are investigated. Licensing Specialists follow up to ensure that programs are in compliance with all health and safety rules and, if they submitted a corrective action plan, that they have completed the steps in the plan. Inspectors also provide technical assistance to programs so they can prevent incidents and injuries in the future.

Figure 6 shows the top six most frequently reported serious incidents by injury type, including the number and percent of total serious injuries that occurred in SFY 2010.

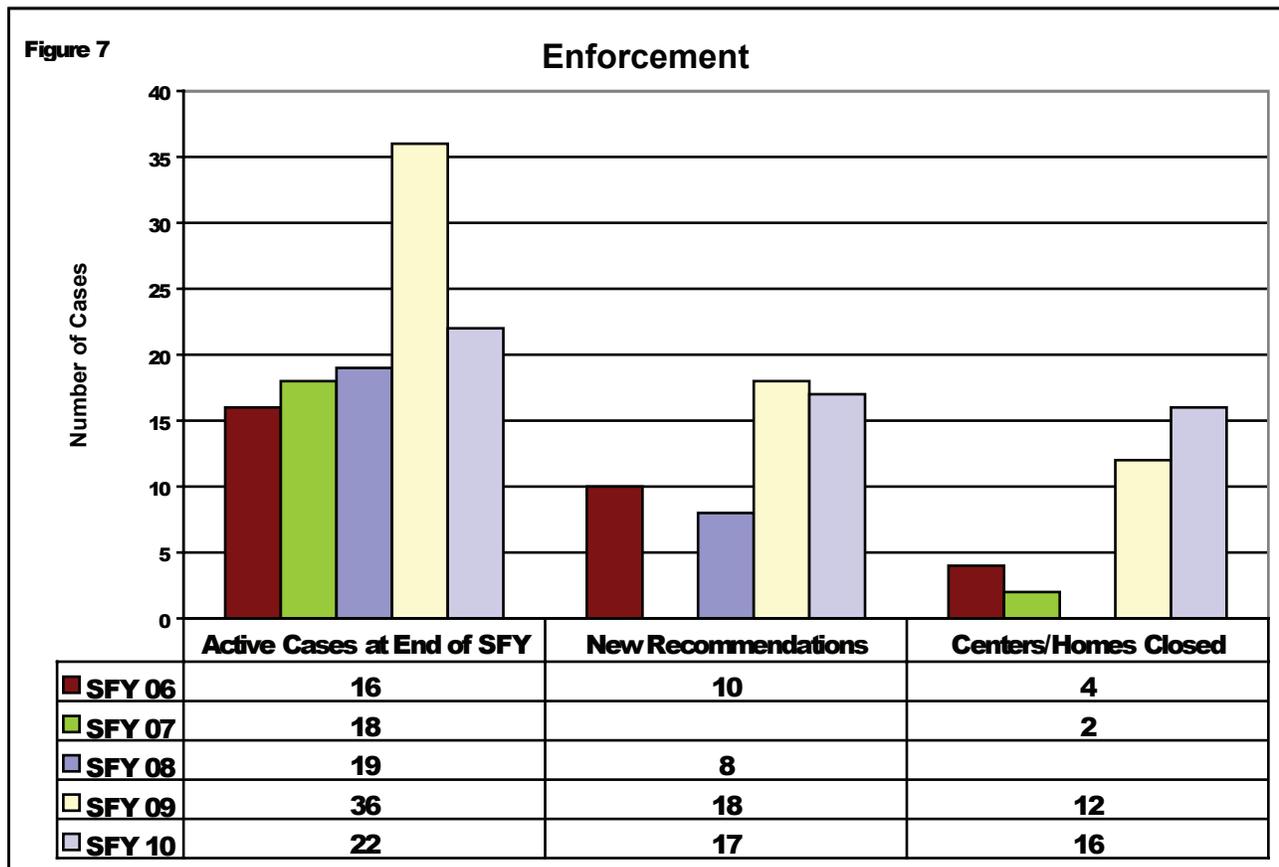


Enforcement

Steps Taken to Address Violations

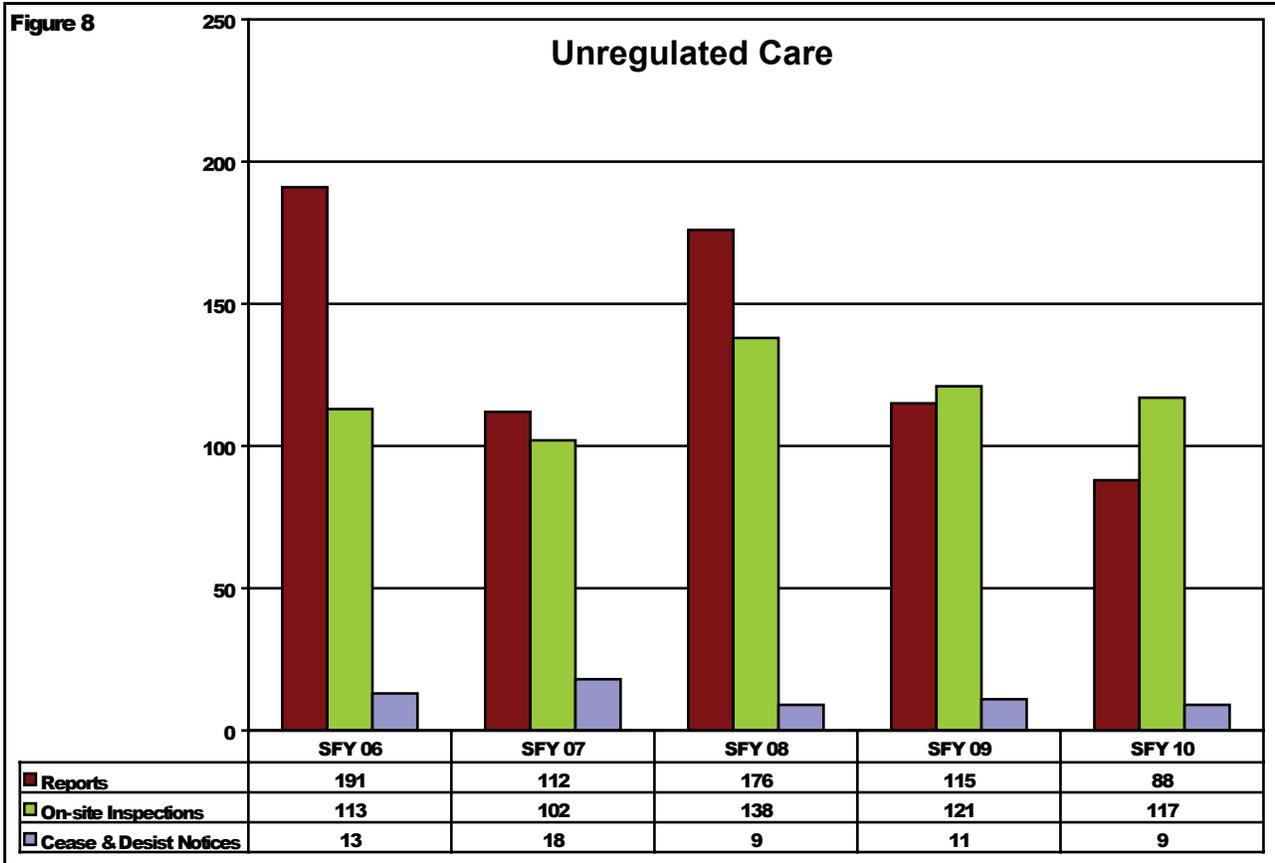
Licensed programs are mandated to submit corrective action plans for all rule violations. This is followed by technical support and varying degrees of monitoring, including unannounced visits by licensing staff. As a last resort, if programs fail to achieve compliance, ODJFS may deny their applications or revoke their licenses, pursuant to ORC chapters 119 and 5104.

The Child Care Licensing Section had 22 active enforcement cases at the end of SFY 2010, including 17 new cases in which license revocation was recommended. Sixteen centers and type A homes were closed in SFY 2010.



Reports of Unregulated Child Care

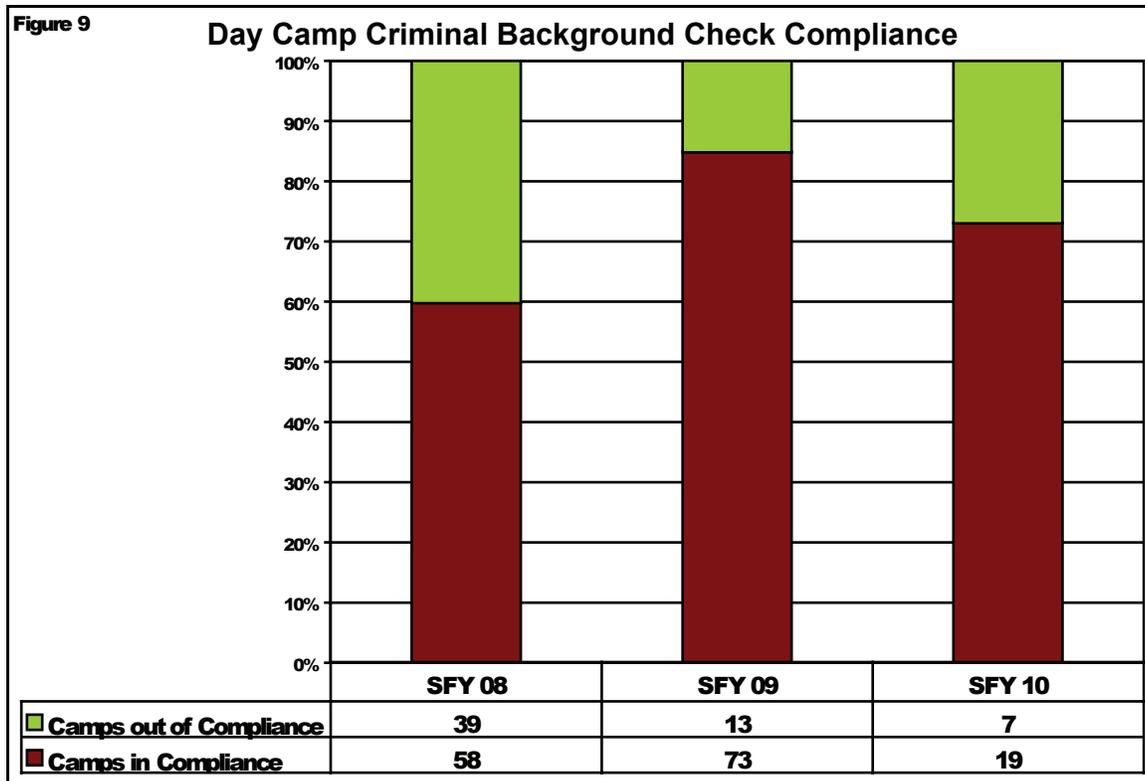
ODJFS received 88 reports of illegal child care in SFY 2010 (unlicensed care for more than six children on a regular basis in the provider’s home). Licensing staff conducted 117 on-site inspections at these homes, and the Attorney General’s Office sent nine “cease and desist” notices. All other unlicensed programs were subsequently determined to be operating within legal limits and not required to be licensed. As indicated in Figure 8, the department has greatly increased the number of inspections it conducts relative to the number of illegal care reports received. Unfortunately, there were two infant fatalities reported at unregulated child care homes in Ohio in SFY 2010.



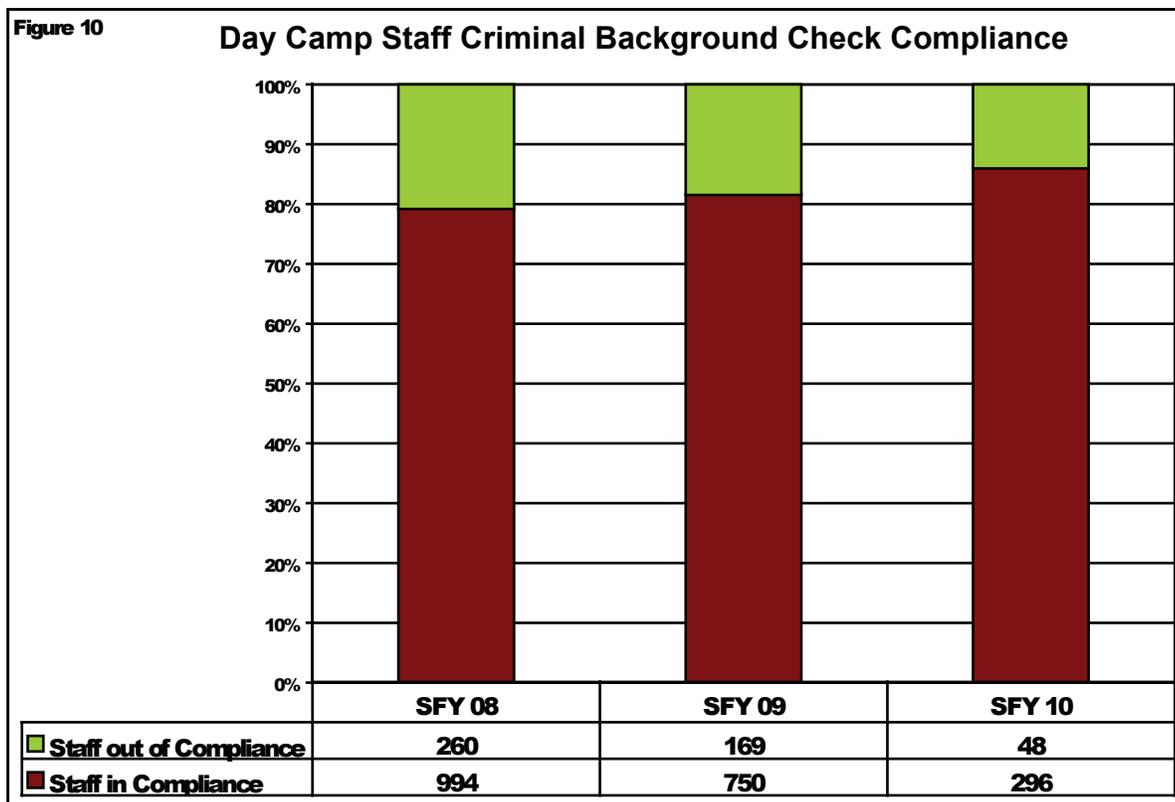
The Child Care Licensing Section monitors all reports of unregulated care for ten or more children in homes or facilities.

Day Camp Criminal Background Check Compliance Sweep

All child day camps in Ohio are required to register with ODJFS, and all camps are required to obtain new criminal records checks for all staff prior to employment. In 2010, 240 camps were registered in Ohio. On June 25, 2010, the Child Care Licensing Section randomly chose 32 camps and conducted on-site visits to ensure that background check documents for all staff were on file. Of those 32 camps, 6 were not in operation. As Figures 9 and 10 show, 73 percent of camps monitored were in compliance at the time of review, and 86 percent of staff monitored were in compliance at the time of review. Below is a chart illustrating level of compliance for both total number of camps monitored, and total number of staff at all programs monitored. Camps that did not meet the statutory requirements at the time of the monitoring were given 30 days to achieve compliance.



73% of programs monitored were in compliance at the time of review.



86% of staff were in compliance at the time of review.

Regulation for the 21st Century



In May 2005 the Ohio General Assembly passed legislation requiring ODJFS to make recommendations for a system of fines and sanctions that can be placed on licensed providers who fail to achieve compliance with child care rules and regulations. As a result, in the fall of 2005 the Bureau of Child Care and Development which contains the Child Care Licensing Section convened a “Regulation for the 21st Century” workgroup. The first phase of this group’s work has been completed. Among other things, it identified rules that, if violated, would present the most serious risk of harm to children. Since January 2007, these “serious risk non-compliances” have been documented in red on each center’s compliance report. Each center is required to post its compliance report. In addition, all compliance reports can be found on the bureau’s Web site.

During Phase II, the bureau began working with the ODJFS Office of Legislation to incorporate the work group’s recommended fines and sanctions into statute. It also began screening all programs that apply for Step Up to Quality ratings for serious risk non-compliances, and it now makes recommendations for license revocation based on serious risk non-compliances.

In July 2009, the Regulation for the 21st Century work group completed the work of Phase III and, in part, began to prepare for the creation of the Center for Early Childhood Development. Among other things, as a result of its Phase III work, the group proposed requiring potential owners of child care programs to demonstrate their capacity to provide safe, healthy and nurturing homes prior to licensure. It also proposed streamlining the licensing amendment process, and it proposed using a risk assessment tool to develop a monitoring schedule and to levy fines and sanctions. A copy of the work group’s final report can be found at <http://www.jfs.ohio.gov/cdc/RegulationsFor21stCentury.stm>

Regulatory Improvement Process

Beginning June 2010 The Ohio Early Childhood Cabinet along with ODJFS and Ohio Department of Education (ODE) selected over 90 early childhood professionals to revise and improve upon the State of Ohio licensing system through a thorough review of all statute and rules to streamline the overall system, with a core focus on ESSENTIAL health, safety and developmentally appropriate practices in all regulated settings. The work was organized into seven writing teams and a leadership team. Areas reviewed were Care of Infants and Toddlers, Health and Nutrition, Licensing, Program, Records/Reports/Postings, Safety and Environment, Staffing. To read more on the regulatory review process, please go to <http://www.build-ohio.org/>

Licensing Kaizen Event

During the first week of January 2010, a Kaizen (change for the better) Team comprised of ODJFS and ODE licensing staff, providers, ODJFS Fiscal, and Office of Information Services assembled a workgroup to review and develop several Child Care Licensing processes. The goal was to streamline procedures and systems for a more efficient means to address diminishing child care licensing support staff. The four primary areas addressed were Initial and Renewal Applications, BCII/FBI criminal background results, center Orientation/Curriculum (Website resources), and new center Plan of Operation preparation. These revised procedures became active in January 2010, and have improved licensing systems and efficiencies.

Step Up To Quality - Ohio's Quality Rating System



Step-Up to Quality (SUTQ), Ohio's voluntary quality rating system for child care programs, is designed to increase the number of high-quality programs, recognize and support programs that achieve higher quality standards, and provide parents with an easy-to-use tool to assist them in making more informed choices on behalf of their children. By the end of SFY 2010, Ohio had 1,049 star-rated early care and education programs serving approximately 80,000 children in 86 Ohio counties. This was 169 more programs than the previous year.

Programs with the highest ratings in the Step-Up to Quality program qualify for monetary awards. In SFY 2010, Ohio awarded Quality Achievement Awards totaling \$7,611,650. The average award to each center was approximately \$7,194. Most recipients chose to use their awards for classroom support, increased staff compensation and enhanced activity centers. Parents can search for star-rated programs while searching for child care at <http://jfs.ohio.gov/CDC/childcare.stm>. For more information about Step Up to Quality go to <http://jfs.ohio.gov/cdc/StepUpQuality.stm>.

Rule Review

The Bureau of Child Care and Development continues the statutorily mandated five-year rule review. All proposed and final rule revisions related to child care centers and type A homes are available for viewing and comment through links on the bureau's Web site, <http://jfs.ohio.gov/cdc/childcare.stm>; through the ODJFS Office of Legal Services' Web sites at <http://www.odjfs.state.oh.us/clearances/public/index.aspx> and <http://jfs.ohio.gov/ols/pubHearings/>; and through the Register of Ohio Web site at <http://www.registerofohio.state.oh.us/>.

In SFY 2010, rule changes were made to reflect improved processes for obtaining and renewing a child care license, and to reflect the recent implementation of the Child Care Information Data System (CCIDS), Ohio's new statewide automated system for publicly funded child care. For more about CCIDS, go to <http://jfs.ohio.gov/cdc/CCIDS.stm>.

