

**OHIO DEPARTMENT OF  
JOB AND FAMILY SERVICES  
Office for Children and Families  
Bureau of Child Care and Development**



**ANNUAL CHILD CARE LICENSING REPORT  
June 2006**

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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:

“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 the State Fiscal Year 2006 (SFY06), between July 1, 2005 and June 30, 2006. Detailed inspection information specific to licensed centers and type A homes are available at [www.jfs.ohio.gov/cdc](http://www.jfs.ohio.gov/cdc).

## 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 centers 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.

There were 4051 licensed facilities in Ohio including 174 type A homes serving 274,816 children enrolled at the end of SFY06. There is approximately 25,861 child care staff employed in Ohio's licensed facilities.

The Ohio Department of Job and Family Services (ODJFS) Bureau of Child Care and Development, Child Care Licensing Section successfully performed 8,552 inspections, licensed 260 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 SFY06. This compares to 8,703 inspections completed and 330 newly licensed centers during SFY05.

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

1. employee records
2. safe indoor equipment/environment
3. medical/enrollment records
4. statement of non-conviction & criminal records check



## 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 facilitate compliance with existing regulations through regular compliance assessments and technical assistance to licensed providers.

Licensing staff conduct inspections and investigations of complaint allegations made against licensed programs as well as reports of unauthorized (exceeding statutory limits) child care.

Child Care Licensing staff are located in Columbus at the Central Office (255 E Main St.) and in five regional field offices around the state: Canton, Cincinnati, Cleveland, Columbus, and Toledo. There is one manager in the Central Office. There are eight supervisory positions, 57 child care licensing specialist positions, and five support personnel located throughout the state. Figure 1 reflects the number of counties, specialists and licensed child care centers by district.

### Counties, Specialists, and Licensed Centers

Total Licensed Centers = 4051

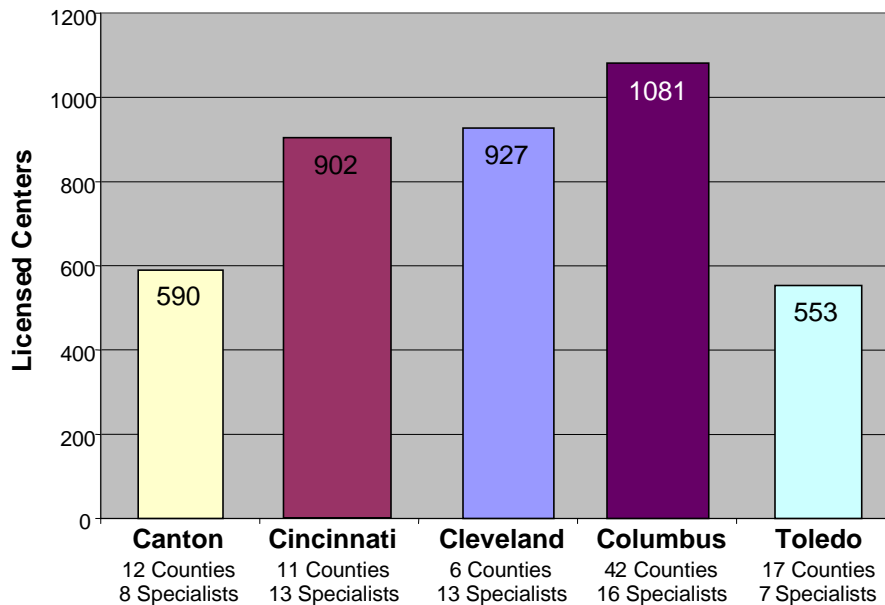


fig 1

### Technical Assistance

In addition to monitoring and facilitating compliance with existing regulations and investigations of complaint allegations, Child Care Licensing staff continuously place an emphasis on offering technical assistance and training to the child care community as a means to promote quality child care in Ohio. Technical Assistance consists of providing alternatives for reaching or maintaining compliance with minimum health and safety requirements or recommendations for child care that exceed minimum licensing requirements. Training regarding rule compliance to new administrators is provided on a regular basis throughout the state. There were 32 administrator rules training sessions provided throughout the state to a total of 968 center administrators during this reporting period.

## Program Demographics

### Center Activity

Nearly five hundred new applications for licensure were received in SFY06; approximately 170 more applications received than in SFY05. Of the 473 new applications received, the Bureau licensed 330 new child care providers.

Licensed Child Care Center Activity for SFY06 as compared to SFY05 is shown in the following figure. The Bureau received 302 new applications in SFY06 and granted licenses to 260 new centers. Nearly 400 previously licensed centers closed in SFY06. Figure 2 highlights the statewide center application, licensing and closure activity.

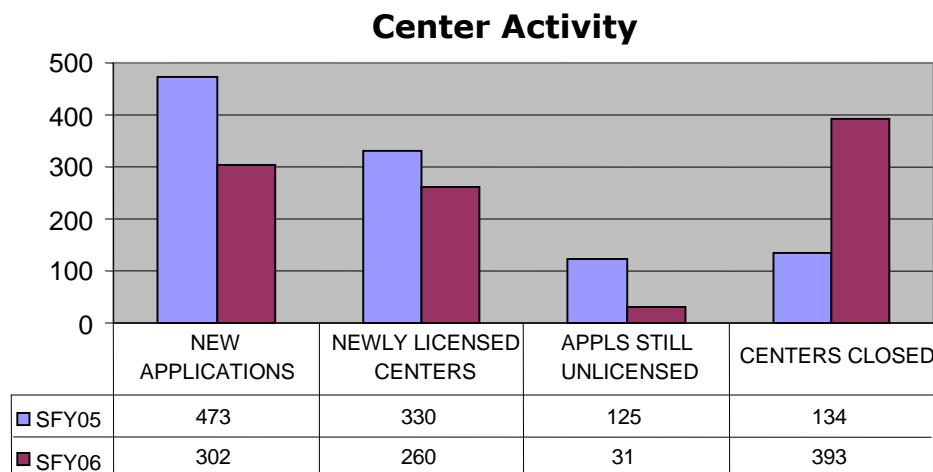


fig 2

Historically, center closings are due primarily to the voluntary ending of a program, relocation, or change of ownership. Additional data is now being collected at the time of closure of programs in order to better capture fluctuations of center operations in Ohio.

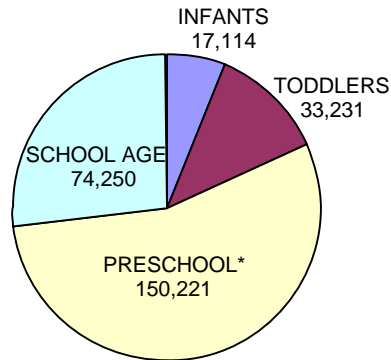
### Enrollment

Ohio child care providers have the capacity to serve 302,102 children at over 4,000 centers, from infants to school age. At the end of SFY06, 274,816 (90.97% capacity<sup>1</sup>) children were being served by the 4051 licensed centers in Ohio. Figure 3 depicts the number by age group of children served by licensed centers statewide.

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



### Total Enrollment by Age Group



\*please note it is possible for multiple children to fill one opening due to the availability of part-time child care

fig 3

## Inspections

### Inspections Overview

In SFY06, Licensing Specialists completed 8,552 inspections. Of those inspections, 1404, or 16%, were driven by complaints received about the center. The number of inspections conducted has remained nearly consistent over the past three fiscal years. The following graphic (figure 4) details the total number of inspections completed and the number of those that were complaint-driven in SFY06 as compared to the previous two fiscal years.

### Inspections Completed per State Fiscal

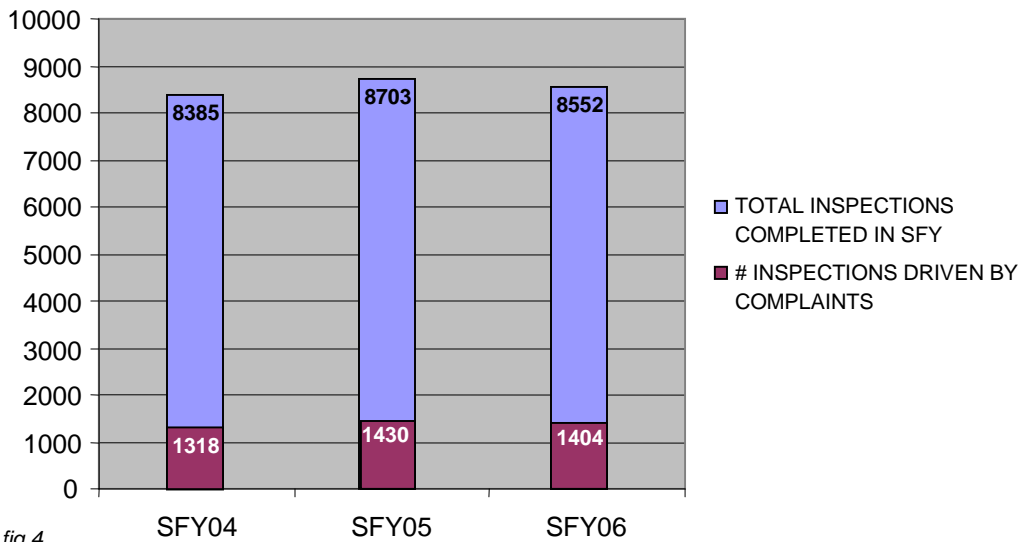


fig 4



### **Summary of Compliance Findings**

There are 43 licensing rules and as many as 577 rule sub-parts that can be determined as out of compliance during an on-site inspection for a full time program. The number of violations determined during all of the inspections completed in SFY06 totaled 55,396. Just over 30,000 of the total number of violations account for the top ten rules most frequently found to be out of compliance. Within the top ten most frequently cited rules, there were 168 possible rule sub-parts that can be determined as out of compliance. The majority of the “top ten” are considered easily observable and verifiable. It is important to recognize there are an estimated 25,861 staff members employed in licensed child care centers in Ohio, as nearly one-third of the “top ten” are associated with personnel or staffing documentation.

The following table reflects the total number of non-compliances determined during on-site inspections as well as the number of possible findings by rule.

### **TOP TEN MOST FREQUENTLY CITED RULES**

<b>Rule</b>	<b>Total Number of Violations Determined</b>	<b>Number of Possible Findings per Rule</b>
<b>Employee Records</b>	6178	19
<b>Safe Indoor Equipment/ Environment</b>	4284	27
<b>Medical/ Enrollment Records</b>	4086	10
<b>Statement of Non-Conviction &amp; Criminal Records Check</b>	3240	18
<b>Attendance</b>	2616	8
<b>Sanitary Indoor Equipment/ Environment</b>	2362	20
<b>Medical/ Dental/ General Emergency Plan</b>	2248	11
<b>FA/ Disease Management/ CPR/ Child Abuse Prevention Training</b>	1811	9
<b>Administration of Medication</b>	1642	24
<b>Center Information/ Policies/ Procedures</b>	1615	22
<b>Total</b>	<b>30,082</b>	<b>168</b>

Fig 5



When the total number of violations for each rule is divided by the total number of possible findings for that rule the relative average is determined. This changes the order of the “top ten.” For instance, Medical/Enrollment Records were actually determined to be out of compliance more often than Employee Records based on the number of possible findings associated with that rule. The following graph represents the top ten most commonly cited compliance findings in order from highest to lowest based on the relative average.

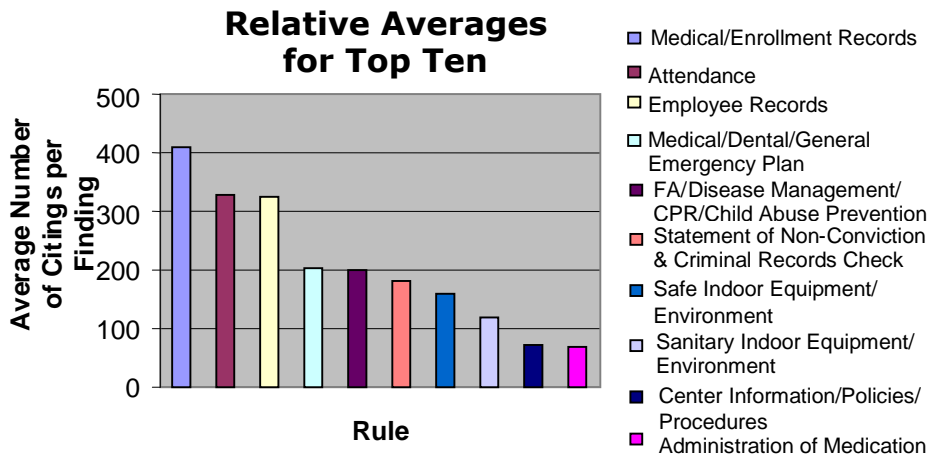


fig 6



### **Detailed Compliance Findings**

To enhance the efficiency and thoroughness of inspections, discrete findings are grouped into sets of rules and rules are grouped by common themes. The groups of rules and the corresponding number of findings determined to be out of compliance at the time of on-site inspections are detailed in the following tables. A brief description of the groupings is also provided.

<b>Licensure/Approval</b>	
Rule Violation	Findings
License/Report Posted	508
License Capacity	513
Building Approval	160
Fire Department Approval	74
Food Service Licensure/ Food Catered	231
<b>Total</b>	<b>1,486</b>

**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. 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 most number of children in each age category (infants, toddlers, preschool, and school child) authorized to be cared for in the center at any one time.

<b>Space/Program</b>	
Rule Violation	Findings
Indoor Floor Space	43
Separation of Infants and Toddlers Under 2 ½ years	159
Onsite Outdoor Play Space	790
Outdoor Play Equipment	1467
Outdoor Play Fall Surface	427
Parks/Indoor Play Space	6
No Smoking Environment	71
Swimming and Water Safety	211
Transportation and Field Trip Safety	1396
Evening and Overnight Care	43
<b>Total</b>	<b>4,613</b>

**Space /Program Findings** – The minimum requirement for indoor floor space is 35 square feet per child using the space. A frequent non-compliance is the use of an area that has not been approved for use for child care programming. A non-compliance in the category of program outdoor equipment indicates that something in the outdoor play environment posed a safety risk to children, such as a fall hazard or equipment that is observed to be in need of repair.



<b>Children's Records</b>	
Rule Violation	Findings
Medical/Enrollment Records	4301
Care Plan for Children with Health Conditions	1184
<b>Total</b>	<b>5,485</b>

**Children's Records Findings** – Centers are noted as non-compliant when documentation of a new or updated medical statement for a child is not available for review. Children's records required to be on file at the center include emergency contact numbers, a detailed immunization record, a list of allergies, medications currently being administered, a list of any chronic physical problems, and a plan on file as provided by parents or guardians of how to specifically address a child's identified health condition if needed.

<b>Classroom</b>	
Rule Violation	Findings
Safe Indoor Equipment/Environment	4447
Sanitary Indoor Equipment/Environment	2438
Programming Environment	652
Equipment/Materials	837
Cots	500
Care/Nurturing of Children	294
Child Guidance/Management	176
Medical/Dental/General Emergency Plan	2304
<b>Total</b>	<b>11,648</b>

**Classroom Findings** – This group of findings includes Care and Nurturing of Children which requires that child care staff in licensed programs be responsible for the well being and safety of each child in the group they care for, and for meeting each child's basic needs.

A non-compliance in the category of Classroom findings reflects that equipment or a situation in the indoor environment posed a safety risk to children, such as easy access to cleaning supplies, or classroom equipment was in need of repair and did not meet minimum requirements as stated in Ohio's Child Care Licensing Law.

<b>Infant/Toddler Care</b>	
Rule Violation	Findings
Infant Daily Program	253
Infant Caregiver	140
Infant Food/Formula	734
Cribs	1123
Handwashing/Diapering/ Toilet Training	957
<b>Total</b>	<b>3,207</b>

**Infant/Toddler Care Findings** – The infant program is required to provide and implement activities that are suitable to the age levels and abilities of the infants under care.

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



<b>Staff Requirements</b>	
Rule Violation	Findings
Administrator Responsibilities/ Time On-Site	379
Administrator Qualifications	247
Child Care Staff Educational Requirements	1610
Employee Records	6342
Statement of Non-Conviction and Criminal Records Check	3332
Persons Trained in First Aid/CPR and in Prevention, Recognitions and Management of Communi- cable Disease and Child Abuse Recognition and Prevention	1899
In-Service Training	955
<b>Total</b>	<b>14,764</b>

**Staff Requirements Findings** – Approximately 25,861 child care staff are employed in licensed facilities in Ohio. Many violation notations were a result of centers not having the proper compliance documentation available for review as required. These and all non-compliances are later verified to be in compliance according to the corrective action plan submitted by the centers.

Staff turnover continues to be an issue that challenges centers in seeking and retaining qualified child care staff. Employee medicals, verification of background checks, and in-service training continues to be among frequently cited violations.

<b>Food/Nutrition</b>	
Rule Violation	Findings
Interval of Meals/Snacks	23
Requirement for Meals/ Snacks	317
Menus	930
Requirement for Food Provided by Parents	188
Food Safety and Sanitation	193
Infant Formula and Toddler Milk	129
<b>Total</b>	<b>1,780</b>

**Food/Nutrition Findings** – Centers are required to assure that meals for children, whether provided by the center or the parent, meet minimum United States Department of Agriculture nutritional standards. A common non-compliance found among centers is menus being posted and made available for parents that do not reflect what is actually served at the center. This is frequently due to last minute changes to the menu when a certain food is not available for preparation.



<b>Emergency Planning</b>	
Rule Violation	Findings
Incident/Injury Reporting	225
First Aid Supplies/Procedures	1668
<b>Total</b>	<b>1,893</b>

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

<b>Center Policies</b>	
Rule Violation	Findings
Nondiscriminatory Practices	0
Center Information/ Policies/Procedures	1667
Administration of Medicine	1680
Parental Participation	2
Unlimited Access	1
Parent Roster	773
Management of Illness	127
<b>Total</b>	<b>4,250</b>

**Center Policy Findings** – Center policies and procedures are to be provided to parents, guardians, and employees of the program. Non-compliances regarding policies and procedures to be followed by the child care program indicate that program information was not complete or consistently available to parents, guardians, or employees as required.

<b>Staffing/Attendance</b>	
Rule Violation	Findings
Children Combined When No More than 12 on Premises	48
Staff/Child Ratios	1563
Group Size	472
Supervision	886
Second Adult	93
Attendance	2616
Substitutes	99
<b>Total</b>	<b>5,777</b>

**Staffing/Attendance Findings** – A record of daily attendance for all children enrolled in a center assists in assuring supervision and safety of the children in care and on the premises of the center. These are maintained by the child care staff responsible for the groups and provide specific information about the whereabouts of children at any given time while in care at the center. Examples of a noncompliance in this area are not including the name of a child attending the center, or not indicating that a child has arrived and is on the premises. This is especially critical in the case of an emergency or an evacuation of the facility. Not having sufficient staffing physically present and supervising children according to the statutorily required minimums is a serious non compliance.



## Complaints

The Bureau of Child Care is mandated to investigate complaints regarding allegations of violations of minimum health and safety standards. The department received a total of 1,483 allegations of licensing violations during SFY06. Each allegation is related to one or more specific rules, totaling 2900 alleged violations. The top three allegations were related to Staff/Child Ratios, Child Guidance/Management, and Care/Nurturing of Children.

There were 1,483 complaints received and investigated during SFY06 which included 2,900 allegations of non compliances with child care licensing rules. Of the allegations reported, 875 (30%) were substantiated.

There are often multiple allegations made within one complaint. Upon inspection, it is common for some but not all of the allegations to be substantiated (i.e. proven to be true). Therefore, substantiated complaints are reported as those where at least 50% of the allegations were substantiated at the time of inspection. There were 535 complaints (36%) of all received where at least 50% of the allegations made were proven to be true.

An unsubstantiated allegation is one which can be demonstrated did not occur. An undetermined allegation is one which cannot be either proven to be true or verified it did not occur.

The following graphic (figure 7) summarizes the number of complaints received and subsequent determinations made in SFY06.

### Complaints Summary

TOTAL RECEIVED	AVERAGE # REC'D PER MONTH	# ALLEGED VIOLATIONS	# UNSUB-STANTIATED	# SUBSTAN-TIATED	# UN-DETERMINED
1483	119	2900	99	875	1926

fig 7

The four most frequently alleged violations were staff child ratio's and supervision; child guidance and management; care and nurturing of children; and safe and sanitary equipment and environment. The following graphic depicts the most commonly alleged violations, the number of possible findings per rule and the relative average number of allegations per possible finding.

### Most Frequently Alleged Violations

Rule	# of Times Alleged	# of possible findings
Staff/Child Ratios	698	13
Child Guidance/Management	385	6
Care/Nurturing of Children	289	11
Sanitary Indoor Equipment/Environment	281	20
Incident/Injury Reporting	200	6
Center Information/Policies/Procedures	106	22
Management of Illness	75	13
Administrator Responsibilities/Time On-Site/Qualifications	56	8
License Capacity	50	6
Indoor Floor Space/Separation of Infants and Toddlers under 2 1/2	31	9

fig 8

## Incident/Injury Management

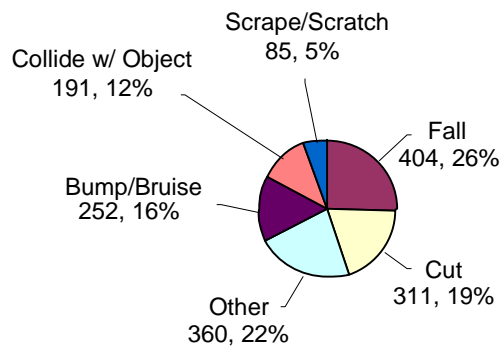
Through use of the Incident/Injury Report, data is collected to establish patterns related to when and why children are injured in child care. Reports of serious injury are used to analyze trends and provide insight into how to approach improved injury prevention strategies.

There were 1800 reports of serious incident or injury submitted to ODJFS during SFY06 that occurred in licensed facilities. A serious incident or injury is defined as including “any situation occurring while a child is in 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 all such incidents to ODJFS. The three most frequently specified types of injuries reported were: falls, cuts and bumps/bruises.

All incident/injury reports that are associated with complaints are investigated. Investigation results are monitored for meeting rule compliance through the use of corrective action plans or on sight visits to verify compliance. Any rule violations that are the cause of an incident/injury being filed are dealt with in the same manner. Technical assistance is provided to the center on how to better prevent incidents or injuries at the center in the future.

The following graph displays the top six most frequently reported serious incidents by Injury Type including the number and percent of total serious injuries.

### Top Six Serious Incidents by Injury Type



total serious incidents = 1800

fig 9

## Enforcement

### ***Steps Taken to Address Violations***

Licensed programs are mandated to submit a corrective action plan for all rule violations. Varying degrees of monitoring, such as unannounced visits by the licensing section, will occur to assure the center has achieved compliance as well as technical support. As a last resort, the provider is advised of enforcement actions pursuant to Chapter 119 of the ORC that could potentially close the program should the center be unable to achieve compliance. There were 16 active Chapter 119 cases as the result of recommendations for revocation during this reporting period. There were four voluntary closures, one facility change of ownership, and one court of claims dismissals or denials, subsequent to a revocation notice being issued. Of ten additional cases that were recommended for revocation, six closed, and four came into compliance through staff-monitored corrective action plans.

### ***Reports of Unregulated Child Care***

ODJFS received 191 reports of illegal child care (unlicensed care for more than six children on a regular basis) operations between July 1, 2005 and June 30, 2006. A total of 116 on-site inspections were conducted at these homes. There were 13 Cease and Desist Notices sent to alleged illegal operations after being referred to the Attorney General's Office for legal action during this annual reporting period. All other programs reported as caring for more than six children were subsequently determined to be operating within legal limits.

The Child Care Monitoring & Technical Assistance Section maintains an inspection plan to monitor all reports of unregulated care for ten or more children in care in homes or facilities, as well as to conduct a random unannounced inspection for every fifth report received.

### ***BCII Initiative***

ODJFS has initiated a work project to better assure completed background checks are on file for all potential licensed child care and registered day camp employees to prevent individuals with convictions of prohibitive offenses from working in child care settings.

The goal of the initiative is to address the following issues:

- Inconsistent data/incomplete reporting to BCII from local agencies regarding prohibiting convictions
- Ohio Administrative Code changes needed to take advantage of current more efficient screening technology (Web Check)
- Statutory language needs to address reporting inconsistencies and enforcement
- Improve collection and analysis of BCII compliance inspection data of child care facilities
- Improve ODJFS monitoring/licensing/enforcement techniques and procedures
- Enhance compliance information and updates on ODJFS website

Many efforts have been implemented toward addressing the stated goals; such as the statewide use of Web Check for Criminal Background Checks and the creation and implementation of additional BCII reporting tools to more efficiently assess center compliance. The Bureau is continuing to explore additional avenues for success and collaborate with other agencies in order to create a system that better protects children in child care in Ohio.

Additional considerations in order to create an effective, more efficient system are the need for Legislation to require consistently accurate and complete reporting and procedures for enforcement of reporting to BCII of prohibiting convictions.

## Quality Initiatives

During SFY06, the Bureau of Child Care worked toward more actively supporting the quality of child care provided to Ohio's children through two major initiatives.

### ***Early Learning Initiative (ELI)***

First, the Bureau completed implementation of the Early Learning Initiative (ELI). ELI is a collaborative partnership between the Ohio Department of Education and the Ohio Department of Job and Family Services. This initiative is designed to provide educational experiences for income eligible families so children will enter kindergarten ready for success in learning as well as meet the child care needs of working families. ODJFS is responsible for the fiscal monitoring and reimbursements to contracted agencies. ODE is responsible for monitoring of the program implementation related to the child care provided.

### ***Step Up to Quality (SUTQ)***

The Bureau also initiated and piloted a quality rating system in nine counties to eventually make available throughout the state. The Step Up to Quality (SUTQ) Program is Ohio's voluntary three-star quality rating system. Step Up To Quality recognizes and promotes early care and education programs which meet quality benchmarks over and above minimum health and safety licensing standards. The benchmarks include low child to staff ratios, group size, staff education, specialized training, improved workplace characteristics and early learning standards. As of December 1, 2006, there are over 450 programs participating in the pilot. Step Up To Quality began statewide implementation November 30, 2006. The goal of the program is to promote school readiness by improving the quality of early care and education for all children while providing parents with an easy to use tool to assist them in selecting early childhood programs.

## Legislative Activities

House Bill 11 required the department to make recommendations regarding fines/sanctions to be assessed for licensing rule non-compliances based on scope and severity. As a result of this requirement, the department convened the Regulation for the 21<sup>st</sup> Century workgroup, which was made up of a diverse group of stakeholders from across the state. Based on the recommendations of the workgroup, the serious risk rule non-compliances have been identified, as those presenting the greatest risk of harm to children. These serious risk rules will now be the foundation for both regulatory functions and quality initiatives:

- Beginning January 1, 2007, serious risk rule non-compliances will be noted in red on the ODJFS Child Care website.
- The bureau will begin working with its office of legislation to incorporate the fines and sanctions as recommended by the workgroup into statute.
- Any program which applies for a quality rating through Step Up To Quality will be screened for eligibility based on the serious risk non-compliances.
- Recommendations for license revocation will be based on non compliances with the identified serious risk rule violations.

## Rule Review

The Bureau of Child Care Development is continuing the statutorily mandated review of rules every five years. All proposed and final rule revisions related to child care centers and type A homes are available for viewing and comment by use of website links found on the Child Care website: Child Care Resources at [www.jfs.ohio.gov.cdc](http://www.jfs.ohio.gov.cdc).