

Non-Compliances and Their Impact on Step Up To Quality Eligibility

2/4/2026

Kelly Paull, Licensing Supervisor
Angie Wallace, Licensing Supervisor

LEVELS OF NON-COMPLIANCE

- Low Risk Non-Compliance (1 point)
- Moderate Risk Non-Compliance (3 points)
- Serious Risk Non-Compliance (6 points)

APPENDIX A TO 5180:2-12-03 AND 5180:2-13-03

ACTION: Final

RESCINDED

DATE: 05/03/2022 10:11 AM

Appendix A to rule 5101:2-13-03

Appendix
5101:2-13-03

Moderate and Serious Risk Non-compliances and Point Values for Family Child Care

All non-compliances not identified as a moderate risk or serious risk below are valued as 1 point.

5101:2-13-03 Compliance inspection and complaint investigation of a licensed family child care provider

Serious Risk Non-Compliance (6 Points)

- Provider, resident, child care staff member or employee refuses Ohio Department of Job and Family Services (ODJFS) or county agency access to program.
- Provider falsifies information to ODJFS or county agency.

5101:2-13-04 Building department inspection and fire inspection for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Care is provided for children on an unapproved floor or in an unapproved area of the home (Type A and Type B); room/building occupancy is exceeded (Type A only); children are cared for in room not approved for age group (Type A only).
- Fire Approval – Unable to obtain approval due to violations or update not requested at least 30 days prior to expiration (Type A only).
- Flammable or combustible materials and substances are store neared heaters, furnaces, water heaters or gas appliances (Type B only).
- The home’s primary or alternate escape route is blocked or inaccessible (Type B only).

5101:2-13-09 Background check requirements for a licensed family child care provider

Moderate Risk Non-Compliance (3 Points)

- Background check request not submitted or fingerprints not submitted or resident of the home turns 18 or moves into the home and background check request not submitted or fingerprints not submitted.
- Employee or child care staff member working in the home and preliminary approval is not on file or in the Ohio professional registry (OPR).
- Child care staff member left alone with child(ren) and preliminary approval or JFS 01176 is not on file or in the OPR.
- Background check is expired and not updated.

COMMON AREAS OF NON-COMPLIANCE

Common SRNC Areas:

- Access denied to the program
- Administrator/owner providing falsified and/or misleading information
- Background Check is found not eligible (any staff) or individual did not get a background check (new hires, residents, etc.)
- Supervision: Child left outside, Child left offsite (vehicle, swimming, etc.)
- Prohibited Techniques- Owner/Administrator

Common MRNC Areas:

- Toxic chemicals/ cleaning supplies accessible to children
- Infants sleeping in areas other than crib (bouncy seat, on mat, etc.)
- DCY 01236 “Child Medical/Physical Care Plan for Child Care” not on file, not correct, etc.
- Background check is expired/ not updated
- Program is out of ratio.

SUTQ: IMPACT OF NON-COMPLIANCES

5180:2-17-02: (5) The center or family child care program is not to have an accumulation of twenty-four moderate and/or serious risk non-compliance points within the previous twelve months or for a preschool or school child program a six-point serious risk non-compliance .

Non-Compliances are reviewed on a rolling 12-month lookback. Points are looked at from annual inspections, complaint investigations, follow-up visits (centers only).

Reductions, Removals and Warnings

Rating Reduction- 5180:2-17-04

- (1) The program is not to be awarded a rating for six months after the new rating begin date; this includes a reduction to a zero rating.

Rating Removal- 5180:2-17-04

- (1) The program is to not be awarded a rating for twelve months from the date of removal.

SCENARIOS

A SUTQ rated program recently had a licensing visit where 8 MRNC findings were documented in the inspection report. Would this program potentially be at risk for a reduction or removal of their rating?

A complaint was recently received by DCY that alleged that a child was left on a bus for 3 hours alone at a SUTQ rated program. At the conclusion of the investigation, it was determined that the incident did happen and the program was cited a SRNC. Would this program potentially be at risk for a reduction or removal of their rating?

SCENARIOS

A SUTQ rated program received the following non-compliances within the previous 12 months:

- 1 MRNC at their Annual Visit
- 1 MRNC was documented at a complaint visit

Would this program be at risk for having their rating reduced or removed?

WHAT CAN PROGRAMS DO TO ENSURE A RATING IS NOT REMOVED OR REDUCED?

- Ensure that all staff at the program understand what the moderate and serious risks are according to Appendix A to Rule 3. Strive for a culture of compliance.
- Monitor inspection and complaint reports to keep track of the number of non-compliance points accrued at the program.
- Ask questions of licensing staff if unsure of a rule requirement.
- Administrators/owners should monitor the program to make sure systems are in place to prevent non-compliances.

QUESTIONS?



THANK YOU

We hope this session has helped to not only inform you of the some of the common types of non-compliances, but also assists you in understanding the impact of non-compliances on your SUTQ rating.

If you have any questions about licensing or Step Up to Quality requirements, please contact your assigned DCY or County Agency Licensing Specialist.



MIKE DEWINE

GOVERNOR OF OHIO

CONNECT WITH DCY



<https://childrenandyouth.ohio.gov/home>



info@childrenandyouth.ohio.gov



<https://www.facebook.com/ohdcy>



<https://twitter.com/OhioDCY>



<https://www.instagram.com/ohiodcy/>



<https://www.youtube.com/@OhioDCY>





**THE HEART
OF IT ALL™**

Ohio.org

OHIO.ORG