

Utah Department of Health, Child Care Licensing Program
Child Care Out of School Time Program Interpretation Manual

Introduction

This manual has been prepared for child care center owners and staff and licensing staff to help ensure statewide consistency in the understanding and enforcement of child care licensing rules. The manual contains the following information:

Rule Text – the text of each rule is printed in black bold font.

Rational / Explanation – Information under this heading explains the reason for each rule, and may also give additional helpful information about the rule.

Enforcement – Information under this heading gives any needed details on how a rule will be enforced, and the noncompliance level(s) of findings to the rule.

Information in the Rationale/Explanation section for most rules contains a reference to “CFOC.” CFOC refers to the book *Caring for Our Children: Guidelines for Out-of-Home Child Care Programs*. This book contains health and safety standards for all types of child care programs. It is published by the American Academy of Pediatrics, the American Public Health Association, and the U.S. Department of Health & Human Services, Maternal and Child Health Bureau. The standards in *Caring for our Children* are generally accepted in the field as best practice standards for health and safety in child care programs. Utah has only implemented a portion of these standards in our child care licensing rules.

When Licensing Specialists find noncompliance with a licensing rule, they issue a Statement of Findings, which is mailed to the provider. The chart below shows the noncompliance levels and findings categories that Licensing Specialists use when issuing Statements of Findings. Throughout this manual, the “Enforcement” information for each rule specifies the noncompliance level(s) associated with Statements of Findings.

Noncompliance Levels ↓	Finding Categories →	Technical Assistance	Cited	Repeat Cited
Level 1		Level 1 Technical Assistance	Level 1 Cited	Level 1 Repeat Cited
Level 2		Level 2 Technical Assistance	Level 2 Cited	Level 2 Repeat Cited
Level 3		Level 3 Technical Assistance	Level 3 Cited	Level 3 Repeat Cited

Statements of Findings vary in seriousness, based on the potential or actual harm to children. The chart below shows the consequences Statements of Findings, based on the levels and finding categories from the chart above.

	Result for 1st Instance of Noncompliance	Result for 2nd Consecutive Instance of Noncompliance	Result for 3rd Consecutive Instance of Noncompliance	Result for 4th Consecutive Instance of Noncompliance
Level 1 Noncompliance	Level 1 Cited Statement of Finding, Civil Money Penalty (CMP) Warning, On public record	Level 1 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record	Level 1 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record	Level 1 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record
Level 2 Noncompliance	Level 2 Technical Assistance Statement of Findings, Not on public record	Level 2 Cited Statement of Findings, Civil Money Penalty (CMP) Warning, On public record	Level 2 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record	Level 2 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record
Level 3 Noncompliance	Level 3 Technical Assistance Statement of Findings, Not on public record	Level 3 Technical Assistance Statement of Findings, Not on public record	Level 3 Cited Statement of Findings, Civil Money Penalty (CMP) Warning, On public record	Level 3 Repeat Cited Statement of Findings, Civil Money Penalty (CMP) Assessed, On public record

Civil Money Penalties (CMP) are only assessed if there are two or more consecutive cited findings to the same rule during the last 12 months or back to the last Annual Announced Inspection.

The one exception to the chart above is if actual harm to a child results from noncompliance with a rule. When this is the case, the category of the Statement of Findings may automatically rise to the cited for the first instance of noncompliance.

Any substantiated allegation resulting in a Statement of Findings from a complaint investigation, regardless of the level, will be part of the provider's public record.

For any Statement of Findings that is issued or any Civil Money Penalty that is assessed, providers have 30 days after the Statement of Findings is issued and/or the Civil Money Penalty is assessed to appeal the action. The action is not finalized until this appeal period has passed.

This manual will be periodically updated as needed, and is available on the Child Care Licensing website at: <http://health.utah.gov/licensing>

To verify if you have the most current version of the manual, check the date in the bottom left-hand corner of the manual pages with the date of the version currently available on the website.