



VERMONT

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Agency of Human Services

May 19, 2023

Dear Members of the Legislative Committee on Administrative Rules:

In response to feedback received from Legislative Counsel, the Department for Children and Families (Department) proposes the following modifications to final proposed rule 23P002, *STep Ahead Recognition System (STARS) Rules*:

- Sec. II – delete this section in its entirety and renumber the subsequent sections accordingly
- Sec. VI(c)(iii) (former section VII) – delete “including enhances rates”
- Sec. VIII(a) (former section IX) – delete “subsidy rules”
- Sec. VIII(d) (former section IX) – insert “STARS grievance” before “committee”
- Sec. VIII(d) and (e) (former section IX) – correct typographical errors with parentheses

Attached to this letter, please find updated versions of the annotated and clean texts of the final proposed rule reflecting the changes. We look forward to discussing the final proposed rule at the upcoming May 25, 2023 meeting of LCAR.

Thank you,

Heidi Moreau
Policy Advisor
Department for Children and Families

STEP AHEAD RECOGNITION SYSTEM (STARS) ~~STANDARDS~~RULES

I. Purpose

- a. ~~The purpose of these rules is to establish the Step Ahead Recognition System (STARS), Vermont's Quality Recognition and Improvement System (QRIS) for Center Based Child Care and Preschool programs, Family Child Care Homes, and Afterschool Child Care programs. The specific purpose of this quality recognition system is to promote, reward and recognize child care and education programs that achieve higher quality standards STARS is designed to be applicable to public and private programs regulated by DCF/CDD, including prekindergarten education programs in public schools. The purpose of STARS is to:~~
- i. be responsive to and reflect the unique culture and identity of quality practices in Vermont's early childhood and afterschool programs;
 - ii. offer equitable opportunities for early childhood and afterschool programs and providers to engage in the improvement system;
 - iii. support early childhood and afterschool programs in fostering healthy development and preparing young children for future learning and life success;
 - iv. support family choice by allowing parents and caregivers to make informed decisions and choose the best possible care for their children based on a program's philosophy, quality of an early childhood or afterschool program, and services provided by that program;
 - v. represent early childhood and afterschool programs' strengths to families; and
 - vi. demonstrate early childhood and afterschool programs' progress toward quality improvements.

II. Authority

~~Authority for this program is Act 132 of 2008, 33 V.S.A. § 3605, 16 V.S.A. § 829 and the federal Child Care Development Block Grant, 45 CFR Parts 98 and 99.~~

III. Terms and Definitions

~~**III-A** "After-school Child Care Program" or "ASP" means services to kindergarten and elementary school age children. After school services take place in diverse settings, and before and after school, school vacations, and summer. a program as defined in the Licensing Regulations for Afterschool Child Care Programs adopted by the Department for Children and Families (DCF) Child Development Division (CDD).~~

~~III B "Arena" means a specific core area of program operations.~~

“Center Based Child Care and Preschool Program” or “CBCCPP” means a program as defined in the Licensing Regulations for Center Based Child Care and Preschool Programs adopted by CDD.

~~III C "Average Daily Membership" (ADM) is defined in accordance with 16 V.S.A. § 4001(1).~~

“Certified STARS assessor” means an individual who is certified by the authors of an assessment tool to determine the standards for certification and provide documentation of the certification.

~~III D "Child care" or "child care services" means developmentally appropriate care and supervision of a child under age 13 for fewer than 24 hours a day by a DCF/CDD regulated provider program.~~

“Content Area” means a defined domain of knowledge and skill in the field of early childhood and afterschool programs.

“Continuous Quality Improvement” or “CQI” means making steady, intentional changes to early childhood and afterschool program practices with the goal of improving overall program operation and practices to increase positive outcomes for children. Typically, the CQI process employs a steady stream of small changes.

-“Curriculum” means goals for the knowledge and skills to be acquired by the children enrolled in an early childhood and afterschool program and the activities and experiences through which such knowledge and skills are achieved.

“Early childhood” means the period from birth to age eight.

“Early childhood and afterschool programs” means a CBCCPP, FCCH, ASP, and public school pre-kindergarten program.

“Family Child Care Home” or “FCCH” means a program as defined in the Licensing Regulations for Registered and Licensed Family Child Care Homes adopted by CDD.

~~III E "Good regulatory standing" means a program holds full licensure under Vermont's child care program regulations that is not provisional or under suspension or an intent to revoke status.~~

~~III F Individualized Professional Development Plan means a current personalized plan for increasing one's knowledge and improving skills in the field of child care and education. It includes assessing current knowledge and skills, with goals that identify specific areas of improvement, develop strategies, resources and a time line when the goal will be met.~~

~~III G "Licensed program" is an early childhood and/or after school program that provides care and education services in accordance with 33 V.S.A. § 3502(d).~~

~~III H "Part-day/part-year program" is a program that children attend for fewer than 26 hours per week and fewer than 42 weeks per year. "Parent" means a birth or adoptive parent, legal guardian, foster parent, or any other person having responsibility for, or legal custody of, a child.~~

~~III I "Professional development" means learning and support activities, designed in accordance with adult learning principles that prepare and enhance individuals in their work with children and their families and lead to improvements in practitioner knowledge, skills, and practices.~~

~~"Program" means all activities related to the provision of services within early childhood and afterschool programs.~~

~~"Public school pre-kindergarten program" means a program as defined in the Licensing Regulations for Center Based Child Care and Preschool Programs adopted by CDD.~~

~~"Quality support staff" means individuals who provide assistance to early childhood and afterschool programs to develop and implement CQI plans.~~

~~III J "Program staff include the people who work for the early childhood, preschool or after school program and who are either counted in the staff-child ratios or serve a supervisory or administrative role. "Quality Recognition Improvement System" or "QRIS" means a system designed to recognize child care program strengths, to support family choice, and to improve children's experiences in child care.~~

~~III K "Regulated provider" means a person or entity licensed or registered by the DCF/CDD to provide early care, education or school age care services. "State-approved" means program, teacher and child assessments, and child screening tools approved by CDD and the Agency of Education (AOE) based on current knowledge and best practice, inclusivity, and accessibility.~~

~~III L "School-operated" is a program for which the CDD license is applied for and maintained under the auspices of a public school, school district or supervisory union.~~

~~III M "STARS" is the STep Ahead Recognition System, Vermont's graduated system of quality recognition for child care, early education and after school programs.~~

~~III N "Teaching staff are those individuals responsible for planning, implementing, and/or evaluating the program's curriculum and overall implementation.~~

IVII. STARS Framework

- a. STARS is a graduated point system with five levels. Applicants determine the level of recognition their program has achieved according to the standards for each arena and submit evidence documenting their achievements on a regular basis. is a quality recognition and improvement system for early childhood and afterschool programs founded on evidence-based content areas defined by CDD.

- b. The system's structure is comprised of levels based on graduated achievement in defined content areas. Each level contains criteria that programs must meet in order to advance within the system.
- c. CDD shall publish information describing content areas and the criteria for each level.
- d. CDD shall publish guidance materials outlining the sources of evidence early childhood and afterschool programs may submit to support achievement of a certain level within a content area.
- e. CDD shall monitor evidence-based research and federal program standards and gather input from Vermont early childhood and afterschool programs to update content areas and criteria.

~~IV A STARS Arenas~~

- ~~1. Teaching Staff Qualifications and Annual Professional Development,~~
- ~~2. Families and Community,~~
- ~~3. Program Practices, and~~
- ~~4. Administration.~~

~~Upon review and approval of the application materials, a certificate indicating the level of achievement and the date of achievement is awarded.~~

~~IV B Five Levels of Quality and Required Points~~

- ~~● One Star is achieved when the regulated program's licensing status is in good regulatory standing~~
- ~~● Two Stars is achieved when the program obtains a total of one to four points.~~
- ~~● Three Stars is achieved when the program obtains a total of five to eight points.~~
- ~~● Four Stars is achieved when the program obtains a total of nine to eleven points including at least two points in the Program Practices Arena.~~
- ~~● Five Stars is achieved when the program obtains a total of twelve to fourteen points.~~

~~IV C STARS Certificates~~

~~STARS certificates are valid for three years from the date of issue and a brief annual CDD/AOE approved report form must be submitted in which the program affirms maintenance of star level standards or formally reports changes. Documentation to reapply for STARS certification must be received at least 90 days prior to the expiration date of the valid certificate.~~
update to the program's CQI plan will be required to maintain the program's standing within a level in years two and three of the application cycle.

~~Holders of STARS certificates shall permit on-site visits, announced or unannounced, by representatives of the department for children and families and the Agency of education during the three-year interval between renewals.~~

~~An applicant who fails to obtain any STARS above STAR level 1 may re-apply after a period of 6 months.~~

V. Standards and Points System for Program Access to Resources for Quality Supports (SPARQ)

- ~~a. Early childhood and afterschool programs will self-assess using state-approved assessment tools to develop a CQI plan.~~
- ~~b. Early childhood and afterschool programs may access certified STARS assessors who will provide observations and feedback using state-approved assessment tools to confirm progress toward CQI plan goals.~~
- ~~c. CDD shall ensure access to quality support staff who partner with early childhood and afterschool programs to facilitate progress toward the programs' goals.~~

V A Teaching Staff Qualifications and Annual Professional Development Arena of Action

~~Points in the Teaching Staff Qualifications and Annual Professional Development Arena shall be awarded in accordance with the following criteria:~~

1 Point:

- ~~● All teaching staff members or the registrant have an updated Individual Professional Development Plan (IPDP) or a statement of annual professional development goals.~~
- ~~● The program or registrant completes the DCF/CDD and D AOE approved worksheet that assigns a numerical value to educational level, experience in the field and hours of participation in relevant professional development.~~
- ~~● The program's average score across all teaching staff, or the registrant's score, is between 0.31 and 1.3.~~

2 Points:

- ~~● All teaching staff members or the registrant have an updated Individual Professional Development Plan (IPDP) or a statement of annual professional development goals.~~
- ~~● The program or registrant complete the worksheet described for 1 point.~~
- ~~● The program's average score across all teaching staff, or the registrant's score, is between 1.31 and 2.3.~~

3 Points:

- ~~All teaching staff members or the registrant have an updated Individual Professional Development Plan (IPDP) or a statement of annual professional development goals.~~
- ~~The program or registrant complete the worksheet described for 1 point.~~
- ~~The program's average score across all teaching staff, or the registrant's score, is between 2.31 and 3.0.~~

V B Families and Communities Arena of Action

~~In the Families and Community Arena, applicants achieve points as follows:~~

1 Point:

~~The program's practices and policies support and strengthen families by:~~

- ~~Collecting annual family satisfaction surveys and using the results to inform program practices or, if applicable, having a school action plan that meets D AOE requirements and includes plans for improving the prekindergarten programs.~~
- ~~Actively making resources and information available to families.~~
- ~~Having a written philosophy about the relationship between families and the program.~~
- ~~The program maintains connections with the professional community through participation in at least 4 professional networking activities each year.~~

2 Points:

~~The program adheres to all standards for one point (above) plus the program's practices and policies support and strengthen families by providing:~~

- ~~Opportunities for families to meet with program staff and other parents through at least 2 social events and 1 group event annually designed to discuss specific content.~~
- ~~Opportunities for families to be involved in the program throughout the year.~~
- ~~A program that maintains connections with the community to support and advocate for children, families or the profession through participation in family service teams, community based groups, and similar activities for a total of at least 24 hours per year. Part day/part year programs may have a total of 12 hours a year.~~

3 Points:

The program adheres to all standards for two points (above) plus the program demonstrates its commitment to strong families, strong communities or a strong profession through:

- ~~Annually assessing the program's family strengthening practices using a CDD/AOE approved tool that addresses strategies including: facilitating social connections among parents, parent education, response to families in crisis, connecting families to services and opportunities, support for children's social emotional development and response to early signs of abuse and neglect.~~
- ~~Creating a continuous improvement plan to implement and maintain practices related to strengthening families' protective factors (e.g., parental resilience, social connections, knowledge of parenting and child development)~~

~~~OR~~~

- ~~Providing leadership in the profession through engagement in a variety of local, statewide or national activities and initiatives (e.g., activism, advocacy, teaching, mentoring).~~
- ~~Having a written leadership philosophy for the program that details how staff leadership activities impact on the profession and quality of early childhood or afterschool care and education.~~

### **V C Program Practices Arena of Action**

In the Program Practices Arena, applicants achieve points as follows:

#### 1 Point:

~~The program completes a self-evaluation using a DCF/CDD and AOE approved self-assessment tool and writes an improvement plan based upon self-assessment findings. Staff is involved in the self-assessment, is informed of the results and provides input into the written improvement plan.~~

#### 2 Points:

- ~~The program completes a self-assessment and is evaluated using a DCF/CDD and AOE approved program assessment tool by an approved validator. Staff members provide input for and receive feedback on the assessment and the program submits a written improvement plan.~~
- ~~Also, the program regularly uses observation and other forms of informal assessments to document children's strengths, needs, interests and growth. The program maintains records of this documentation and utilizes the results of this ongoing system of assessment to inform curriculum planning.~~



3 Points:

- ~~The program completes a self-assessment and is evaluated by an approved validator using a DCF/CDD and AOE approved program assessment tool, and the program reaches a specified minimum score on the assessment. Staff members provide input during the evaluation process and receive feedback. The program submits a written improvement plan.~~
- ~~Also, the program regularly uses observation and documents children's strengths, needs, interests and growth. The program maintains related records and utilizes the results of this ongoing system of assessment to inform curriculum planning.~~

4 Points:

- ~~The program completes a self-assessment and is evaluated by an approved validator using a DCF/CDD and AOE approved program assessment tool, the program has obtained a specified minimum score on the assessment, and staff members have provided input and receive feedback during the evaluation process. The program submits a written improvement plan and evidence that actions specified in previous improvement plans have been completed.~~
- ~~Also, the program regularly uses observation and documents children's strengths, needs, interests and growth through the use of a DCF/CDD and AOE approved tool at least twice a year. The program maintains records of this documentation and uses the results from child assessments to inform curriculum planning.~~

5 Points:

- ~~The program holds a current DCF/CDD and AOE approved accreditation or other approved standard, has a written improvement plan based upon the findings of an annual self-assessment, and submits evidence that actions specified in previous improvement plans have been completed.~~
- ~~Also, the program regularly uses observation and documents children's strengths, needs, interests and growth through use of a DCF/CDD and AOE approved tool at least twice a year. The program maintains records of this documentation and uses the results from the child assessment to inform curriculum planning.~~

**~~V D Administration Arena of Action~~**

~~In the Administration Arena of Action, applicants achieve points as follows:~~

**~~V D 1 For Registered Homes:~~**

~~1 Point:~~

~~The program has a contract or other written agreement with parent signature and written policies for exclusions due to child illness, payment for services and daily routines for children.~~

2 Points:

~~The program adheres to all standards for one point (above) plus the program has established a fee structure. The program has clear policies for the registrant's vacation, sick, holiday and professional days. At least one person in the program is a member of a professional organization relevant to early childhood or after school professionals.~~

3 Points:

~~The program adheres to all standards for two points (above) plus has a parent handbook written specifically for this program. The handbook includes the registrant's program philosophy and guidance philosophy. The program operates a financially sound business that conforms to federal standards for small businesses. The program carries liability insurance.~~

**~~V D 2 For Licensed Programs:~~**

1 Point:

~~The program has an employee handbook detailing how professional development is supported and how Individual Professional Development Plans are incorporated into staff supervision. Staff members have opportunities to refine their skills through a system of regular feedback and guidance. Also, the program's employee handbook details policies on hiring and firing, benefits, advancement, grievance, sexual harassment and reporting on child abuse or neglect.~~

2 Points:

~~The program adheres to all standards for one point (above) plus staff working five or more hours per shift have paid breaks within the scheduled work day. Staff members responsible for planning curriculum are given at least one hour per week of paid planning time. Also, all program staff receive at least two of the following benefits: paid vacation, sick, personal or professional days.~~

3 Points:

~~The program adheres to all standards for two points (above) plus staff members are provided with written policies addressing a salary system that recognizes professional achievement. The median adjusted pay for all employees is at least 85% of Vermont's livable wage for a "single person without employer paid health benefits".~~

**~~V D 3 For School-operated Pre-kindergarten Programs:~~**

1 Point:

~~The teaching staff has a contract that includes terms of employment, access to benefits, and a salary scale. The staff supervision process is described and fully implemented. Staff is provided with information on policies related to sexual harassment.~~

2 Points:

~~The program adheres to all standards for one point (above) plus provides staff a description of their rights and grievance procedures.~~

3 Points:

~~The program adheres to all standards for two points (above) plus has an articulated and fully implemented process for staff supervision and professional development.~~

## **VI. Financial Incentive and Maintenance Payments**

### **a. VI A Incentives for Initial Achievement or Advancement of Stars**

When a program initially achieves a star(s) level or initially advances to a higher level of stars, the DCF may provide a one-time financial incentive payment in an amount established at least annually by the DCF Commissioner or designee. Initial incentive payments are subject to availability of funds and may otherwise be limited by these standards or by law.

### **~~VI B~~ Incentives for Maintenance of Stars**

~~When a program successfully maintains a star or stars level over time, the DCF may provide a financial maintenance incentive payment in an amount established at least annually by the DCF Commissioner. Maintenance incentive payments shall be subject to availability of funds and may otherwise be limited by these standards or by law. The Commissioner shall define annually the term "successive years" for purposes of maintenance incentive payments.~~

### **b. VI C Quality Factor Payments to STARS Participating Programs**

When a program achieves a star level, the DCF may pay on behalf of an eligible child a quality factor amount above the CDD base payment. Such payments may be adjusted by the DCF Commissioner or designee at least annually to coincide with available funding and may otherwise be limited by these standards or by law. Suspension, reduction or increase of these payments by the DCF Commissioner or designee shall not require modification of these ~~regulations~~ rules through the rule-making process.

### **c. VI D Limits on Incentive Payments and Enhanced Rates**

- i.**      In the event that annual funds are insufficient to meet payment rates established at least annually by the DCF Commissioner or designee, the Commissioner or designee reserves the right to exercise discretion and limit or suspend award of

~~one-time financial incentive payments, maintenance incentive payments and enhanced rates otherwise payable under this program. If limitation or suspension of payments is necessary due to lack of funds, maintenance payments shall be limited or suspended before one time incentive payments.~~

- ii. The DCF Commissioner or designee shall make reasonable efforts to notify any pending and prospective applicants prior to limitation or suspension of incentive payments and/or enhanced rates due to the lack of funding.
- iii. Financial incentives, ~~including enhanced rates,~~ awarded under this program are subject to re-payment if awarded in error or due to applicant fraud or misrepresentation. Financial incentives awarded under this program are subject to garnishment, recoupment, other attachment or legal remedy pursued by DCF, the State of Vermont, or as otherwise authorized by law.

## VII. Falsification of Information

- a. An applicant or STARS participant who has interfered with, impeded, deterred, provided false information to or in any manner hindered the DCF or its agents in investigation or inspection of a regulated facility or program, or in the validation of a STARS application, shall not be eligible for participation in STARS for a period of at least three years.
- b. Concern about misrepresentation or false information made on a STARS application may be referred to the CDD or AOE for investigation.

## VIII. Grievances

- a. ~~STARS Applicants or program participants have the right to appeal have the rejection of their application materials or other adverse decision related to the STARS program, such as the suspension or revocation of a STARS certificate status -in connection with enforcement of licensing regulations rules, subsidy regulations or these standards rules, reviewed by the STARS grievance committee.~~
- b. ~~Appeals~~ Requests for review must be in writing and received by the DCF Commissioner or designee within 30 days of the date of rejection or other adverse decision.
- c. If the ~~appeal grievant is from~~ a school-operated pre-kindergarten program, the ~~Commissioner~~ Secretary of the Department Agency of Education (AOE) or designee shall join the DCF Commissioner or designee of the Department for Children and Families in deciding the appeal.
- d. ~~The applicant or grievant shall have the opportunity to present the appeal to a STARS grievance committee.~~ The STARS grievance committee shall be appointed by the DCF Commissioner or designee (and AOE Secretary or designee, if the grievant is a school-operated pre-kindergarten programs), consist of at least three members including one

from the regulated provider community, and provide the DCF Commissioner or designee (sand AOE Secretary or designee, if applicable) with a recommendation.

- e. The DCF Commissioner or designee (sand AOE Secretary or designee, if applicable) shall make a final decision on the grievance and provide the grievant with a written decision.
- f. The grievant may appeal the final decision of the Commissioner(s) to the Human Services Board within thirty days of the date of the final decision.
- g. Financial incentives shall not be paid while an appeal is pending. If a successful final appeal results in a determination that a STARS program-participant is due a financial incentive or maintenance payment, DCF will award payment in full within 60 days.

### **IX. Severability**

If any part of these Rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the Rules invalid.

### **IX. Effective Date**

These rules shall become effective on ~~September~~ July-1, 2019~~23~~.

## STEP AHEAD RECOGNITION SYSTEM (STARS) RULES

### I. Purpose

- a. These rules establish the STep Ahead Recognition System (STARS), Vermont’s Quality Recognition and Improvement System (QRIS) for Center Based Child Care and Preschool programs, Family Child Care Homes, and Afterschool Child Care programs. The purpose of STARS is to:
  - i. be responsive to and reflect the unique culture and identity of quality practices in Vermont’s early childhood and afterschool programs;
  - ii. offer equitable opportunities for early childhood and afterschool programs and providers to engage in the improvement system;
  - iii. support early childhood and afterschool programs in fostering healthy development and preparing young children for future learning and life success;
  - iv. support family choice by allowing parents and caregivers to make informed decisions and choose the best possible care for their children based on a program’s philosophy, quality of an early childhood or afterschool program, and services provided by that program;
  - v. represent early childhood and afterschool programs’ strengths to families; and
  - vi. demonstrate early childhood and afterschool programs’ progress toward quality improvements.

### II. Terms and Definitions

"Afterschool Child Care Program" or "ASP" means a program as defined in the Licensing Regulations for Afterschool Child Care Programs adopted by the Department for Children and Families (DCF) Child Development Division (CDD).

"Center Based Child Care and Preschool Program" or "CBCCPP" means a program as defined in the Licensing Regulations for Center Based Child Care and Preschool Programs adopted by CDD.

"Certified STARS assessor" means an individual who is certified by the authors of an assessment tool to determine the standards for certification and provide documentation of the certification.

"Child care" or "child care services" means developmentally appropriate care and supervision of a child under age 13 for fewer than 24 hours a day by a DCF/CDD regulated program.

“Content Area” means a defined domain of knowledge and skill in the field of early childhood and afterschool programs.

“Continuous Quality Improvement” or “CQI” means making steady, intentional changes to early childhood and afterschool program practices with the goal of improving overall program operation and practices to increase positive outcomes for children. Typically, the CQI process employs a steady stream of small changes.

“Curriculum” means goals for the knowledge and skills to be acquired by the children enrolled in an early childhood and afterschool program and the activities and experiences through which such knowledge and skills are achieved.

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“Early childhood and afterschool programs” means a CBCCPP, FCCH, ASP, and public school pre-kindergarten program.

“Family Child Care Home” or “FCCH” means a program as defined in the Licensing Regulations for Registered and Licensed Family Child Care Homes adopted by CDD.

“Parent” means a birth or adoptive parent, legal guardian, foster parent, or any other person having responsibility for, or legal custody of, a child.

“Program” means all activities related to the provision of services within early childhood and afterschool programs.

“Public school pre-kindergarten program” means a program as defined in the Licensing Regulations for Center Based Child Care and Preschool Programs adopted by CDD.

“Quality support staff” means individuals who provide assistance to early childhood and afterschool programs to develop and implement CQI plans.

“Quality Recognition Improvement System” or “QRIS” means a system designed to recognize child care program strengths, to support family choice, and to improve children’s experiences in child care.

“State-approved” means program, teacher and child assessments, and child screening tools approved by CDD and the Agency of Education (AOE) based on current knowledge and best practice, inclusivity, and accessibility.

### **III. STARS Framework**

- a. STARS is a quality recognition and improvement system for early childhood and afterschool programs founded on evidence-based content areas defined by CDD.

- b. The system's structure is comprised of levels based on graduated achievement in defined content areas. Each level contains criteria that programs must meet in order to advance within the system.
- c. CDD shall publish information describing content areas and the criteria for each level.
- d. CDD shall publish guidance materials outlining the sources of evidence early childhood and afterschool programs may submit to support achievement of a certain level within a content area.
- e. CDD shall monitor evidence-based research and federal program standards and gather input from Vermont early childhood and afterschool programs to update content areas and criteria.

#### **IV. STARS Certificates**

STARS certificates are valid for three years from the date of issue and a brief annual update to the program's CQI plan will be required to maintain the program's standing within a level in years two and three of the application cycle.

#### **V. System for Program Access to Resources for Quality Supports (SPARQ)**

- a. Early childhood and afterschool programs will self-assess using state-approved assessment tools to develop a CQI plan.
- b. Early childhood and afterschool programs may access certified STARS assessors who will provide observations and feedback using state-approved assessment tools to confirm progress toward CQI plan goals.
- c. CDD shall ensure access to quality support staff who partner with early childhood and afterschool programs to facilitate progress toward the programs' goals.

#### **VI. Financial Incentive Payments**

##### **a. Incentives for Initial Achievement or Advancement of Stars**

When a program initially achieves a level or initially advances to a higher level, the DCF may provide a one-time financial incentive payment in an amount established at least annually by the DCF Commissioner or designee. Initial incentive payments are subject to availability of funds and may otherwise be limited by these standards or by law.

##### **b. Quality Factor Payments to STARS Participating Programs**

When a program achieves a level, the DCF may pay on behalf of an eligible child a quality factor amount above the CDD base payment. Such payments may be adjusted by the DCF Commissioner or designee at least annually to coincide with available funding



and may otherwise be limited by these standards or by law. Suspension, reduction or increase of these payments by the DCF Commissioner or designee shall not require modification of these rules through the rule-making process.

**c. Limits on Incentive Payments and Enhanced Rates**

- i. In the event that annual funds are insufficient to meet payment rates established at least annually by the DCF Commissioner or designee, the Commissioner or designee reserves the right to exercise discretion and limit or suspend award of one-time financial incentive payments and enhanced rates otherwise payable under this program.
- ii. The DCF Commissioner or designee shall make reasonable efforts to notify any pending and prospective applicants prior to limitation or suspension of incentive payments and/or enhanced rates due to the lack of funding.
- iii. Financial incentives awarded under this program are subject to re-payment if awarded in error or due to applicant fraud or misrepresentation. Financial incentives awarded under this program are subject to garnishment, recoupment, other attachment or legal remedy pursued by DCF, the State of Vermont, or as otherwise authorized by law.

**VII. Falsification of Information**

- a. An applicant or STARS participant who has interfered with, impeded, deterred, provided false information to or in any manner hindered the DCF or its agents in investigation or inspection of a regulated facility or program, or in the validation of a STARS application, shall not be eligible for participation in STARS for a period of at least three years.
- b. Concern about misrepresentation or false information made on a STARS application may be referred to the CDD or AOE for investigation.

**VIII. Grievances**

- a. STARS applicants or participants have the right to have the rejection of their application materials or other adverse decision related to STARS, such as the suspension or revocation of a STARS status in connection with enforcement of licensing rules, or these rules, reviewed by the STARS grievance committee.
- b. Requests for review must be in writing and received by the DCF Commissioner or designee within 30 days of the date of rejection or other adverse decision.
- c. If the grievant is a school-operated pre-kindergarten program, the Secretary of the Agency of Education (AOE) or designee shall join the DCF Commissioner or designee in deciding the appeal.

- d. The STARS grievance committee shall be appointed by the DCF Commissioner or designee (and AOE Secretary or designee, if the grievant is a school-operated pre-kindergarten program), consist of at least three members including one from the regulated provider community, and provide the DCF Commissioner or designee (and AOE Secretary or designee, if applicable) with a recommendation.
- e. The DCF Commissioner or designee (and AOE Secretary or designee, if applicable) shall make a final decision on the grievance and provide the grievant with a written decision.
- f. The grievant may appeal the final decision to the Human Services Board within thirty days of the date of the final decision.
- g. Financial incentives shall not be paid while an appeal is pending. If a successful final appeal results in a determination that a STARS participant is due a financial incentive, DCF will award payment in full within 60 days.

#### **IX. Severability**

If any part of these Rules is held invalid by a court of competent jurisdiction, the invalidity shall not be construed to render the remaining parts of the Rules invalid.

#### **X. Effective Date**

These rules shall become effective on July 1, 2023.