

## Final Proposed Filing - Coversheet

### Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

**STep Ahead Recognition System (STARS) Rules**

/s/ Todd W. Daloz

(signature)

, on May 1, 2023  
(date)

Printed Name and Title:

Todd W. Daloz, Deputy Secretary  
Agency of Human Services

RECEIVED BY: \_\_\_\_\_

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

**STep Ahead Recognition System (STARS) Rules**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

23P 002

3. ADOPTING AGENCY:

Agency of Human Services

4. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: Heidi Moreau

Agency: Agency of Human Services, Department for  
Children and Families, Child Development Division

Mailing Address: 280 State Drive, NOB 1 North, Waterbury,  
VT 05671

Telephone: 802-595-9639 Fax:

E-Mail: heidi.moreau@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://dcf.vermont.gov/cdd/laws-rules>

5. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Johanna Vaczy

Agency: Agency of Human Services, Department for  
Children and Families, Child Development Division

Mailing Address: 280 State Drive, NOB 1 North, Waterbury,  
VT 05671

Telephone: 802-904-3161 Fax:

E-Mail: johanna.vaczy@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

**7. LEGAL AUTHORITY / ENABLING LEGISLATION:**

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

3 V.S.A. § 801(b) (11); 33 V.S.A. § 105(b) (2)

**8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:**

33 V.S.A. 105(b) (2) states that the Commissioner has the authority to "fix standards and issue regulations necessary to administer" the laws assigned to the Department. Under 33 V.S.A. § 3502, the Department is responsible for regulating child care facilities. As the Lead Agency for the Child Care and Development Fund in Vermont, the Department is responsible for "[d]eveloping, implementing, or enhancing a tiered quality rating and improvement system for child care providers and services." 45 C.F.R. § 98.53(a) (3).

**9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.**

**10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.**

**11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.**

**12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.**

**13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.**

**14. CONCISE SUMMARY (150 WORDS OR LESS):**

The State of Vermont's child care Quality Recognition and Improvement System (QRIS) is called SStep Ahead Recognition System or STARS. The system is informed by the unique culture and identity of quality practices in Vermont's early childhood and afterschool programs and offers equitable opportunities for programs and providers to engage in the improvement system. The QRIS are

designed to recognize provider strengths, to support family choice, and to improve children's experiences in early childhood and afterschool programs. One goal of the QRIS is to support early childhood and afterschool programs in fostering healthy development and preparing young children for future learning and life success. The proposed rule replaces the graduated point system and arenas with levels and content areas. The proposed rule also provides the Department with flexibility to update content areas based on evidence and research within the field.

**15. EXPLANATION OF WHY THE RULE IS NECESSARY:**

The Department is revising the STARS rule because the current system perpetuates unintentional bias. Studies done on QRIS over the course of the last 20 years have shown that much of the structure and criteria in the current systems do not have the intended effect on program quality, positive outcomes for children, and informed program choice for families. An inequity in the current system is that children in high star level programs do not experience better outcomes than those in low star level programs, even though higher rated programs receive a higher financial benefit. Also, in the current system, programs choose the criteria needed to move to the next level, and often choose criteria based on resource availability rather than the criteria that was shown to improve child outcomes. In the new rule, all programs need to meet the same criteria to move to the next block level. All entry level programs will have to meet the same level of training for their staff before moving to the next level.

**16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:**

The proposed rule is based on input from early childhood and afterschool programs and the latest research in the field of child care QRIS.

**17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES  
AFFECTED BY THIS RULE:**

All independent providers of out-of-home care not  
otherwise exempt from regulation  
Private and public prekindergarten programs  
Vermont Department for Children and Families in the  
Vermont Agency of Human Services  
Vermont Department of Health in the Vermont Agency of  
Human Services  
Vermont Agency of Education  
Children, birth to 13 years, and their families

**18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):**

The Department anticipates a positive economic impact to  
smaller child care programs. The Department is unable to  
quantify the economic impact; however, the Department  
anticipates that smaller child care programs that may have  
been unable to advance in STARS points in the past due to  
the administrative burden imposed by the current system may  
choose to apply for more STARS under the new system. An  
increase in the number of STARS would result in increased  
payments to the program through the Child Care Financial  
Assistance Program.

**19. A HEARING WAS HELD.**

**20. HEARING INFORMATION**

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF  
NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE  
ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 3/9/2023

Time: 01:00 PM

Street Address: 830 Main Street 2nd Floor, Colchester

Zip Code: 05446

URL for Virtual:

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Date: 3/9/2023

**Time:** 06:30 PM

**Street Address:** 830 Main Street 2nd Floor, Colchester

**Zip Code:** 05446

**URL for Virtual:** [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_MmE1YmY0YzItNTg5ZC00OGNjLTlhYWMtZGM4MTdlMmJmZDky%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%220id%22%3a%22a7972903-b22b-48ab-91f0-1282d59b4a10%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_MmE1YmY0YzItNTg5ZC00OGNjLTlhYWMtZGM4MTdlMmJmZDky%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%220id%22%3a%22a7972903-b22b-48ab-91f0-1282d59b4a10%22%7d)

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**Date:** 3/14/2023

**Time:** 01:00 PM

**Street Address:**

**Zip Code:**

**URL for Virtual:** [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NGI4YzJmMDYtNDRlMi00Nzc4LWExMjYtYWNjNTU5ZTczZDIy%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%220id%22%3a%222f080eed-32c3-4afc-9ba0-6fb44c74de61%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGI4YzJmMDYtNDRlMi00Nzc4LWExMjYtYWNjNTU5ZTczZDIy%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%220id%22%3a%222f080eed-32c3-4afc-9ba0-6fb44c74de61%22%7d)

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**Date:** 3/14/2023

**Time:** 06:30 PM

**Street Address:**

**Zip Code:**

**URL for Virtual:** [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NWVknDU2ZWYtZDEwZi00ZGNlLTlhMDctMDhmYTkxZDFlNTgz%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%220id%22%3a%227f2ecfaa-4472-4e2c-99f5-eae28633e165%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NWVknDU2ZWYtZDEwZi00ZGNlLTlhMDctMDhmYTkxZDFlNTgz%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%220id%22%3a%227f2ecfaa-4472-4e2c-99f5-eae28633e165%22%7d)

**21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):**

3/22/2023

**KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).**

STARS

child care

Early childhood and afterschool program

Step ahead recognition system

QRIS

280 State Drive - Center Building  
Waterbury, VT 05671-1000



OFFICE OF THE SECRETARY  
TEL: (802) 241-0440  
FAX: (802) 241-0450

JENNEY SAMUELSON  
SECRETARY

TODD W. DALOZ  
DEPUTY SECRETARY

STATE OF VERMONT  
AGENCY OF HUMAN SERVICES

MEMORANDUM

**TO:** Sarah Copeland Hanzas, Secretary of State

**FROM:** Jenney Samuelson, Secretary, Agency of Human Services

A handwritten signature in blue ink, appearing to be "Jenney Samuelson", written over the "FROM:" line.

**DATE:** January 31, 2023

**SUBJECT:** Signatory Authority for Purposes of Authorizing Administrative Rules

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I hereby designate Deputy Secretary of Human Services Todd W. Daloz as signatory to fulfill the duties of the Secretary of the Agency of Human Services as the adopting authority for administrative rules as required by Vermont's Administrative Procedure Act, 3. V.S.A § 801 et seq.

Cc: Todd W. Daloz



## Adopting Page

### **Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:  
**STep Ahead Recognition System (STARS) Rules**
2. ADOPTING AGENCY:  
Agency of Human Services
3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):
  - **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
  - **NEW RULE** - A rule that did not previously exist even under a different name.
  - **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):  
SOS Log # 19-37, STEP AHEAD RECOGNITION SYSTEM (STARS)  
STANDARDS, September 1, 2019



## INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

**Meeting Date/Location:** January 9, 2023, virtually via Microsoft Teams

**Members Present:** Chair Sean Brown, Brendan Atwood, Diane Bothfeld, Jennifer Mojo, John Kessler, Diane Sherman, Mike Obuchowski and Donna Russo-Savage

**Members Absent:** Jared Adler

**Minutes By:** Melissa Mazza-Paquette

- 2:01 PM meeting called to order, welcome and introductions.
- Review and approval of minutes from the December 12, 2022 meeting.
- Original agenda approved as drafted with the following change:
  - The next scheduled meeting was moved from Monday, February 13, 2023 to Wednesday, February 22, 2023, 2:00 PM.
- No public comments made.
- Presentation of Proposed Rules on pages 2-8 to follow.
  1. HazMat Transportation & Motor Carrier Safety Standards, Agency of Transportation, Department of Motor Vehicles, page 2
  2. Rule 1: Licensing of Cannabis Establishments, Cannabis Control Board, page 3
  3. Rule 2: Regulation of Cannabis Establishments, Cannabis Control Board, page 4
  4. Rule 4: Compliance and Enforcement, Cannabis Control Board, page 5
  5. Home Visiting Rule, Vermont Department of Health, page 6
  6. STep Ahead Recognition System (STARS) Rules, Department for Children and Families, page 7
  7. Privacy of Consumer Financial and Health Information, Department of Financial Regulation, page 8
- Other business: Diane Bothfeld noted her upcoming retirement from the State of Vermont this month and therefore this was her last ICAR meeting.
- 3:32 PM meeting adjourned.

**Presented By:** Heidi Moreau, Nicole Dubuque, and Leslie Bergeron

Motion made to accept the rule by Diane Sherman, seconded by Jen Mojo, and passed unanimously except for Brendan Atwood who abstained, and Mike Obuchowski who lost his internet connection briefly right before voting, with the following recommendations:

1. Proposed Filing – Coversheet:
  - a. #8: Describe what is being changed. Include the impact to the childcare financial assistance program.
  - b. #14: Include details for a virtual option once known.
2. Economic Impact Analysis: Include the impact to the childcare financial assistance program.

## Economic Impact Analysis

### **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn’t appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

**STep Ahead Recognition System (STARS) Rules**

2. ADOPTING AGENCY:

Agency of Human Services

3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

The Department anticipates no economic impact to:  
Independent providers of out-of-home care not otherwise exempt from regulation that are already fully participating in the STARS program;  
Private and public prekindergarten programs that are

already fully participating in the STARS program;  
Vermont Department for Children and Families in the  
Vermont Agency of Human Services;  
Vermont Department of Health in the Vermont Agency of  
Human Services;  
Vermont Agency of Education; or  
Children, birth to 13 years, and their families.  
The Department anticipates a positive economic impact  
to independent providers of out-of-home care not  
otherwise exempt from regulation and private and public  
prekindergarten programs that have not applied for more  
more STARS points under the current system. The  
Department is unable to quantify the economic impact;  
however, the Department anticipates that smaller child  
care programs that may have been unable to advance in  
STARS points in the past due to the administrative  
burden imposed by the current system may choose to  
apply for more STARS under the new system. An increase  
in the number of STARS would result in increased  
payments to the program through the Child Care  
Financial Assistance Program.

**4. IMPACT ON SCHOOLS:**

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC  
SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY  
ASSOCIATED COSTS:*

No impact.

**5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR  
AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE  
OF THE RULE.***

Not applicable.

**6. IMPACT ON SMALL BUSINESSES:**

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

Center-based child care and preschool programs and family child care homes are small businesses that may experience a positive economic impact resulting from increased payments through the Child Care Financial Assistance Program.

7. **SMALL BUSINESS COMPLIANCE:** *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.*

The Department has determined that there will be no cost to small businesses associated with the proposed rule.

8. **COMPARISON:**

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

The economic impact of this rule is positive compared to no rule change. Under the current rules, some child care programs have not applied for more STARS points due to the administrative burden.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Department has examined how the proposed changes will impact early childhood and afterschool programs and determined that the only economic impact will be to child care programs that have not applied for more STARS points under the current system.

## Environmental Impact Analysis

### **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

**Step Ahead Recognition System (STARS) Rules**

2. ADOPTING AGENCY:

Agency of Human Services

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*  
No impact.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*  
No impact.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*  
No impact.

6. RECREATION: *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*  
No impact.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

No impact.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

No impact.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The proposed rule relates to the quality recognition system to promote, reward, and recognize child care and educations programs that achieve standards above licensing requirements and has no impact on any of the above areas, and therefore, this analysis sufficiently captures that there will be no environmental impact.



## Public Input Maximization Plan

### **Instructions:**

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

**Step Ahead Recognition System (STARS) Rules**

2. ADOPTING AGENCY:

Agency of Human Services

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Agency has enlisted stakeholder feedback and participation through surveys, committee participation, work groups and stakeholder meetings since 2015. From 2015 to 2017 the State of Vermont partnered with Child Trends to conduct evaluation and validation studies of the STARS program. In 2017 Child Trends presented their recommendations, which were developed from interviews with providers and parents, surveys, and current research. The Child Development Division (CDD) worked with two committees that included representatives from CDD and other State agencies, partner organizations, child care providers, and parents to propose changes to the structure and requirements of STARS. In 2019, the first phase of the changes was implemented and

## Public Input

leadership from CDD held meetings around the State to gather feedback on the second phase of changes. Using input from those meetings, CDD created five work groups to develop supporting information and resources for STARS Evolution. These work groups met beginning in early 2020 until March 13, 2020, when Governor Scott declared the state of emergency for the COVID-19 pandemic. In the summer of 2020, new research was presented, and a work group was established to consider the implications of the new research on the proposed rule changes. While discussions continued, more research was presented. In January 2022, CDD presented a timeline to propose updated rules and hold stakeholder convenings to collect feedback on the proposal. Between April and September 2022, CDD held eight Stakeholder meetings to propose, discuss, and collect feedback regarding the STARS program with community partners and child care providers. Meetings were recorded and posted on CDD's website and CDD created surveys and collector tools to gather feedback and suggestions from the public as well as from the attendees of those meetings. After the proposed rule is filed with the Secretary of State, there will be a public comment period as well a public hearing regarding these changes.

#### **4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:**

ICF, Inc. (a global consulting service), BUILD initiative, Child Trends, and CDD's Federal technical assistance partners at the Office of Administration for Children and Families were involved in the development

## **Public Input**

of this proposed rule. Community partners including Building Bright Futures (BBF), Let's Grow Kids, Vermont Association for the Education of Young Children (VTAEYC), Northern Lights at CCV, Vermont Afterschool (VAS), and the Parent Child Center Network have been involved in committees and stakeholder meetings throughout the development of this rule. Children's Integrated Services (CIS), Headstart Collaboration Office, Child Development Division licensing office, Vermont Department of Health, and Vermont Agency of Education were among the State stakeholders that have been involved. CDD also held stakeholder convenings and collected survey feedback from early care and afterschool providers, as well as parents.



**Department for Children and Families**  
**Commissioner's Office**  
280 State Drive – HC 1 North  
Waterbury, VT 05671-1080  
[www.dcf.vt.gov](http://www.dcf.vt.gov)

[phone] 802-241-0929  
[fax] 802-241-0950

*Agency of Human Services*

**To: Legislative Committee on Administrative Rulemaking (LCAR); Secretary of State**  
**From: Department for Children and Families**  
**Re: 23P002 — STep Ahead Recognition System (STARS) Rules**  
**Date: April 12, 2023**

The Department for Children (DCF) filed the proposed STep Ahead Recognition System (STARS) rules with the Secretary of State on February 1, 2023. Public hearings were held on March 9, 2023 and March 14 2023. DCF accepted public comments through March 22, 2023. DCF received 18 comments.

In response to one of the comments, DCF has changed the language in proposed rule sections VII(a), (b), (c)(i - ii) and IX(b - e), (c) by inserting “or designee” following each occurrence of “Commissioner” or “Secretary.” In addition, DCF has replaced the word “regulation” with “rule” in sections VII(b) and IX(a). These changes are indicated with gray shading in the annotated text of the final proposed rule.

***Summary of Comments and DCF's Response***

Comments were submitted by current and former CDD staff, childhood education professionals, and anonymous members of the public.

Copies of written comments are attached. Below is a summary of each comment and DCF's response.

**Comment:** The commenter suggests that under the heading "Quality Factor Payments to STARS Participating Programs," the first sentence should be changed to "When a program achieves an increased level, the DCF may pay on behalf of an eligible child a higher capped rate for CCFAP."

**Response:** DCF will maintain the language proposed in the STARS rules to provide flexibility should rules governing the Child Care Financial Assistance Program (CCFAP) and tiered reimbursement change.

**Comment:** The commenter suggests considering a STARS requirement for networking with peers and cites that networking effectiveness is supported by research.

**Response:** While networking is not addressed in the current or proposed STARS rules, a program may choose to include networking with peers as part of its Continuous Quality Improvement (CQI) plan.

**Comment:** Long overdue re-organization of this program! Job well done and good luck in the public hearing process.

**Response:** DCF appreciates the support.

**Comment:** The commenter expresses that the challenges faced by family child care providers make meeting new STARS requirements a substantial burden.

**Response:** DCF recognizes the significant challenges faced by programs in the field. As referenced in the proposed rules, the recent STARS revision is an effort to reduce programs' administrative burden to participate, promote positive child outcomes, and reduce unintentional bias. Concurrent with the revision of STARS, CDD has developed a system of aligned program supports. The System for Program Access to Resources for Quality Supports (SPARQS) will guide programs through the transition to the revised STARS and provide ongoing services including training, resources, and coaching for any participating STARS programs.

**Comment:** The commenter suggests that a CQI plan update is not sufficient to maintain a STARS level for 3 years and suggests on-site observation (consultation or scored assessment) should be required.

**Response:** DCF made changes to STARS non-renewal year requirements in response to stakeholder feedback recommending minimizing administrative burden for programs to participate in STARS. Assessments will be required of STARS programs, per the STARS Guidance Manual, and are linked to a program's CQI cycle rather than the STARS renewal cycle. Programs may choose to implement additional assessments and consultations as part of their CQI plan.

**Comment:** The commenter requests the rationale for removing the requirement for on-site visits.

**Response:** Details regarding on-site visits are included in the STARS Guidance Manual. On-site visits are required for STARS programs for assessment purposes. Programs may also choose to include on-site consultations and assessments as part of their CQI plan, and via supports provided in SPARQS. On-site visits are also a requirement of licensure.

**Comment:** The commenter requests that STARS administrative rule language reflect requests by people in the field to use the term "early childhood education" in place of "child care" to support "self-determination".

**Response:** DCF chose to use language in the proposed STARS Rules that relates to the entire system, and includes all the programs involved in Vermont QRIS. The system includes programs not limited to providing early childhood services (e.g., afterschool programs). DCF recognizes the field's preference for the term "early childhood education" and uses it where appropriate.

**Comment:** The commenter suggests that language be added to allow flexibility for the DCF Commissioner and AOE Secretary to assign a designee to carry out their respective responsibilities.

**Response:** DCF has added language in the proposed rule to provide flexibility for designees to act on behalf of the DCF Commissioner and AOE Secretary.

**Comment:** The commenter suggests adding four additional Rules to section IV STARS Framework to ensure STARS sets guidelines for frequency, reporting, and analysis of emerging research and includes a process for collecting public input to reduce the risk of unintentional bias.

**Response:** DCF appreciates this commenter’s insightful consideration for ensuring STARS is current and engaging of all audiences. A review process is in place as part of the STARS Advisory Committee. This process was used in the recent STARS revision and involves research, review, and feedback from the public, stakeholders, and federal experts.

**Comment:** The commenter requests information on initial and ongoing STARS CQI training for directors and staff.

**Response:** DCF recognizes that ongoing training and support is vital to program quality. As referenced in the proposed STARS Rules, CDD has developed a system of support to guide programs through the revised STARS transition and to provide ongoing services. The System for Program Access to Resources for Quality Supports (SPARQS) will provide training, resources, and coaching for participating STARS programs.

**Comment:** The commenter requests information regarding the process for transitioning to the revised STARS; types of technical support that will be available to programs; and whether current STARS levels will be transferable.

**Response:** DCF recognizes that ongoing training and support is vital to program quality. As referenced in the proposed STARS Rules, CDD has developed a system of support to guide programs through the revised STARS transition and to provide ongoing services. The System for Program Access to Resources for Quality Supports (SPARQS) will provide training, resources, and coaching for participating STARS programs. The first year of the STARS revision (July 2023 – June 2024) will be a “hold harmless” year in which programs due to renew their certificates will apply and will maintain their current STARS level. Programs not due to renew may use this year to prepare their STARS CQI plan to meet the revised standards. After June 2024, programs must meet the required standards for their desired STARS level.

**Comment:** The commenter questions whether "payment rates" refer to CCFAP payments or independent incentive payments.

**Response:** “Payment rates” in the proposed STARS Rules refers to both CCFAP payments and independent incentive payments.

**Comment:** The commenter noted that CCFAP subsidy rate incentives linked to STARS level ended with the launch of the Child Development Division Information System (CDDIS) and inquired if they will be reinstated.

**Response:** CCFAP rate changes are not addressed in the proposed STARS Rules. CCFAP subsidy rates (tiered reimbursement) coincided with the launch of CDDIS. Tiered reimbursement has not ended, but the CCFAP rates have changed. It is DCF's understanding that the Vermont legislature plans to consider changes to the CCFAP subsidy model that may affect tiered reimbursement, and the proposed STARS Rules accommodate both current and potential models.

**Comment:** The commenter inquired about incentives for STARS programs beyond the CCFAP subsidy incentives (tiered reimbursement) and recognition.

**Response:** CCFAP rate changes are not addressed in the proposed STARS rules. Current program incentives include STARS one-time bonuses; access to supports through the System for Program Access to Resources for Quality Supports (SPARQS); designation as a universal pre-kindergarten program; and designation as a Specialized Child Care program. DCF continues to explore new incentive opportunities for STARS programs.

**Comment:** The commenter highlights a category change made in the shift from the Building Bright Futures Information System (BFIS) to CDDIS regarding provisional licensure status noting that this change may complicate correct calculation of subsidy payments and wonders whether a program that has gone from full to provisional status will maintain its STARS rating.

**Response:** Licensing status and subsidy rates are not addressed in the proposed STARS rules. DCF will work to identify a solution within the subsidy payment system.

**Comment:** The commenter suggests that failure to meet licensing regulations should affect STARS level and seeks information about:

1. whether STARS pays bonuses to programs; and
2. whether a pattern of regulatory violations or serious violations will affect a program's STARS level.

**Response:** STARS programs receive a one-time bonus for achieving a STARS level for the first time.

Licensing violations are not addressed in the proposed STARS rules. A pattern of regulatory violations does not prevent a program from maintaining its STARS level. However, licensing status does determine a program's eligibility to participate in STARS. A program must be in good regulatory standing.

**Comment:** The commenter questions if a program can maintain STARS level 3, 4 or 5 if they have serious violations or a continued pattern of serious violations.

**Response:** Licensing violations are not addressed in the proposed STARS rules. Violations do not prevent a program from maintaining its STARS level. However, licensing status does determine a program's eligibility to participate in STARS. Programs with provisional licensure are not eligible to participate in STARS and are listed in BFIS as "Not Rated." They are currently eligible to receive a CCFAP subsidy and CDD is considering a revised subsidy rate specific to provisionally licensed programs. If the program's license is reinstated, the program returns to STARS Level 1 and must reapply for a higher STARS level. The program is not eligible for a one-time bonus for achieving a previously earned STARS level. A program must be in good regulatory standing to participate in STARS.

**Comment:** The commenter asks:

1. If a 4 STARS program's license becomes provisional, what happens to the program's STARS rating, STARS payment, and CCFAP payment?
2. How will the public know if a program's license changes that the program may no longer be providing the same level of high-quality services?
3. If a program receives a serious violation but doesn't go into provisional status, how is their STARS level effected?

**Response:** Programs with provisional licensure are not eligible to participate in STARS and are listed in BFIS as "Not Rated." They are currently eligible to receive a CCFAP subsidy. DCF is considering a revised subsidy rate specific to provisionally licensed programs. If the program's license is reinstated, the program returns to STARS Level 1 and must reapply for a higher STARS level. The program is not eligible for a one-time bonus for achieving a previously earned STARS level.

The public may access BFIS to review a program's license status.

Violations do not prevent a program from maintaining its STARS level. However, licensing status does determine a program's eligibility to participate in STARS. A program must be in good regulatory standing in STARS.



## STARS Rules Comments via Anonymous Online Survey

Completion date & time	Please submit your comments and questions about the proposed STARS administrative rule changes below:
1/26/23 16:54:27	<p>Under the heading "Quality Factor Payments to STARS Participating Programs," the first sentence should be changed to say, "When a program achieves an increased level, the DCF may pay on behalf of an eligible child a higher capped rate for CCFAP."</p> <p>Nya Pike submitted this comment on behalf of Emily Hazard at CDD.</p>
2/6/23 11:30:25	<p>STARS should definitely be about assessments and the proposed changes definitely lead to that. It does seem simplified to have the three arenas. The one thing that seems to be missing is networking with peers. Research has shown that this is also a good way to build quality in programs along with training implementation.</p>
2/9/23 10:04:57	<p>Lo ng overdue re-organization of this program! Job well done and good luck in the public hearing process.</p>
2/9/23 21:02:32	<p>Family child care providers are going to be frustrated and overwhelmed by these changes. We are a unique group who doesn't like change, get anxious with being observed, and quite frankly we just don't have time for this...we are hanging on by a thread as it is!</p>
2/21/23 14:47:53	<p>I'm glad to see that the STARS subsidy rate incentives are retained, however we are not receiving them now, ever since they activated the CDDIS system. Telling us to raise rates is not the same thing! Are they going to be resumed?</p>
3/15/23 13:07:20	<p>It is my understanding that the proposed rules will no longer have financial incentives relative to CCFAP. Other than wanting to be recognized by having gone above and beyond our already high state regulations - what other incentives are available?</p>
3/21/23 11:41:37	<p>I would make comment on program self-assessment tools, programs that are currently using program self-assessment tools such as Strengthening Families or Head Start have strong systems in place with required timelines and should be allowed to keep to those and provide the results as part of their STARS requirements as they have been making progress for years. I comment further on streamlined applications. Under the "old" STARS, Head Start and NAEYC accredited programs could complete a streamlined application and add their reports and achieve 5STARS, since they had already been monitored onsite in a more rigorous way. I do not see that anywhere in the new STARS. It is an important piece since these two types of programs are already so heavily monitored with portfolios, reports, and intensive multi-day onsite reviews and including almost 2000 regulations or criterion that are reviewed. The systems are already very robust in monitoring, requirements, and a focus on quality, teaching, families, and systems.</p>
3/22/23 12:53:45	<p>CDD Vermont has quality licensing regulations, and the lack of quality to meet these regulations should affect the STARS level if STARS is to represent quality across programs involved.</p> <p>Do the proposed rules pay bonuses to programs that participated in STARS?</p> <p>Does a pattern of regulatory violations or serious violations affect the program's STARS level?</p>
3/22/23 13:59:42	<p>What will the process be for transitioning from the old system to this? What technical support will be available to programs? Will the program's current STARS level transfer or count toward anything?</p>
3/22/23 15:24:19	<p>Something to consider, not necessarily within these rules but wanted to highlight the following: Historically when a program was moved to a "Provisional" status by the licensing unit (rare but happens due to child health &amp; safety concerns and significantly being out of compliance with licensing regulations) their STARS status was moved to "not rated". In CDDIS my understanding is that this category no longer exists when calculating subsidy reimbursement rates. A provisional license means that the program/provider still is licensed to operate/provide child care with a targeted corrective action plan and the program/provider remains in this status until they have come into significant compliance with regulations. With CDDIS not have a "not rated" category I am wondering how subsidy will be calculated if the program does not have an active STARS rating &amp; my understanding is that a program going into provisional status makes them ineligible for a STARS rating. Thanks for considering what may be a complicating factor.</p>
3/22/23 15:40:11	<p>Can you have 3,4, or 5 STARS and have serious violations or a continued pattern of serious violations?</p>
3/22/23 16:56:26	<p>If a program is at 4 STARS and their child care license becomes provisional, what does that mean for their STARS rating, STARS payment and CCFAP payment? How will the public know if a program's license changes that the program may no longer be providing the same level of high-quality services? If a program receives a serious violation but doesn't go into provisional status, how is their STARS level effected?</p>

**From:** [Giovanni Tabor](#)  
**To:** [AHS - DCF CDD Stars](#)  
**Subject:** STARS Rules Public Comment  
**Date:** Tuesday, March 21, 2023 9:36:32 PM

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**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Dear Department for Children and Families, Child Development Division;

I am writing to submit a public comment to the proposed administrative rules for the STep Ahead Recognition System (STARS). I am thrilled to see the positive direction that the new rules for the STep Ahead Recognition System are taking. Flexibility is key for the STARS system in Vermont's childcare industry, as it allows for adaptation to new research and ultimately leads to positive outcomes for children. I have three suggestions which I believe should further the Department's goal of modernizing the STARS content areas and criteria, as well as eliminating unintentional bias.

The proposed rules remove the current content areas and criteria in its entirety, and replaces it with section IV. STARS Framework paragraph (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." This adds great flexibility for the Department; however, this line does not ensure the STARS system will stay current with emerging research, and leaving the process for collecting public input undefined puts the system at risk of unintentional bias. To ensure that the STARS system continues to best serve the needs of Vermont's children, the STARS rules must define a frequency in which evidence-based research and federal program standards will be reviewed, a committee to collect and report on research, and a mechanism for the public to be involved in the decision-making process. To obtain an unbiased analysis of research, a committee and public involvement is crucial, as all individuals inherently possess biases that can influence their interpretation of data.

I propose adding four additional rules to the end of section IV. STARS Framework paragraph (e) to include the following text.

1. Every four (4) calendar years, CDD shall appoint a committee consisting of at least three (3) members with expertise in childcare and related fields, including one (1) from the regulated provider community. The committee shall be responsible for monitoring evidence-based research and federal program standards related to childcare and proposing changes to STARS content areas and criteria as necessary.
2. The committee shall hold a public hearing outlining the evidence and research collected by the committee and shall provide a mechanism for the public to submit comments.
3. The committee shall create a report which contains an outline of all evidence, research, and public comments collected by the committee; and a draft of proposed changes to STARS content areas and criteria if deemed necessary. The committee shall make the report available to the public and submit the report to the CDD.
4. The CDD shall evaluate the proposed changes based on their consistency with evidence-based research and federal program standards related to childcare and afterschool programs,

clarity and specificity of content areas and criteria, feasibility of implementation by regulated providers, and alignment with other relevant laws and regulations. The CDD may approve, or disapprove the proposed changes to update STARS content areas and criteria. If the CDD disapproves, the CDD shall provide written justification for its decision and collaborate in good faith with the committee to revise the proposed changes.

I am grateful for the opportunity to submit my suggestions for the proposed administrative rules for the STARS system. I firmly believe that with the addition of these four proposed rules, the STARS system will be better equipped to stay current with emerging research, eliminate unintentional bias, and ultimately better serve the needs of Vermont's children. As a community, let us continue to prioritize the education and well-being of our youngest members by actively engaging in the development of systems that ensure high-quality childcare and education for all.

Thank you for your consideration,

Giovanni Tabor

**From:** [Sheila Duranleau](#)  
**To:** [AHS - DCF CDD Stars](#)  
**Cc:** [Sheila Duranleau](#)  
**Subject:** Fw: Public Hearing and Comments for STep Ahead Recognition System (STARS) Rule Changes  
**Date:** Monday, March 6, 2023 2:43:33 PM

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**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

Hello,

I have reviewed the proposed rules and have one comment for consideration. There are several tasks/decisions that are the responsibility of the DCF Commissioner. I suggest you add language to allow for the flexibility of a designee. I can think of 2 ways to do this but suggest the first one below. Family Services uses this approach as well.

1. Add a definition for the DCF Commissioner to the Terms and Definitions section and include language that says the "DCF Commissioner or designee".
2. Add the language "or designee" to each place you have a responsibility/decision made by the DCF Commissioner.

Thanks, Sheila

----- Forwarded Message -----

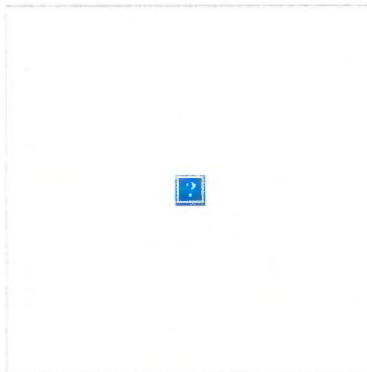
**From:** VT DCF Child Development Division <[ahs.dcfcdstars@vermont.gov](mailto:ahs.dcfcdstars@vermont.gov)>

**To:** Sheila <[sheiladuranleau@yahoo.com](mailto:sheiladuranleau@yahoo.com)>

**Sent:** Monday, February 6, 2023, 10:39:54 AM EST

**Subject:** Public Hearing and Comments for STep Ahead Recognition System (STARS) Rule Changes

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**Public Hearing and Comments for STep  
Ahead Recognition System (STARS) Rule  
Changes**


3/14 6:30 PM


Good evening! We'll be starting in about 5 minutes to make sure we have everyone linked in.


 Melanie French (Guest) was invited to the meeting.

 Dillenbeck, Ann (she/her) was invited to the meeting.


 **Dillenbeck, Ann (she/her)** 3/14 6:44 PM  
What is the rationale for removing the requirement for on site visits?

 **Melanie French (Guest)** 3/14 6:47 PM  
I love the goals of the revision and hope this is successful so that our quality is based on our relationships, rather than our "stuff." Will training for directors and staff for building new STARS quality plans and retaining the quality ongoing, be built into the initial process and ongoing?


 Giovanni Tabor (Guest) left the chat.

 **Dillenbeck, Ann (she/her)** 3/14 6:57 PM  
I do not think a brief update to a CQI plan is sufficient to maintain a STARS level for 3 years. I think an on-site observation should be required. The on-site visit could be a consultation or scored assessment.

Do "payment rates" refer to CCFAP payments or independent incentive payments?

 **Lisa Duncan (Guest)** 3/14 7:02 PM  
Thank you

 Sally (Guest) left the chat.

 **Kim Toland** 3/14 7:03 PM  
Thank you

 Kim Toland left the chat.

 Lisa Duncan (Guest) left the chat.

Moreau, Heidi and Pike, Nya are out of office or have a status message.

Type a new message



**STEP AHEAD RECOGNITION SYSTEM (STARS) STANDARDSRULES**

**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 COI 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 SStep 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.~~

#### **IV. 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 COI 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.~~

#### **VI. 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.~~

## **VII. 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.

### **VIII. 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.

### **VIIIX. Grievances**

- a. ~~STARS A~~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 rules~~ 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 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 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.

#### **X. 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.

#### **XXI. Effective Date**

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

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## STEP AHEAD RECOGNITION SYSTEM (STARS) RULES

### I. Purpose

- a. These rules establish the S**T**ep 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. 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

"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.

"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.

"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.

#### **IV. 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.

#### **V. 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.

#### **VI. 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.

#### **VII. 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, 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.

**VIII. 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.

**IX. 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, subsidy 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 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.

#### **X. 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.

#### **XI. Effective Date**

These rules shall become effective on July 1, 2023.



**State of Vermont**  
**Agency of Administration**  
**Office of the Secretary**  
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*Kristin L. Clouser, Secretary*

**INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) AGENDA**  
**Monday, January 9, 2023, 2:00 p.m.**

To attend virtually via Microsoft Teams, please [click here to join the meeting](#) for full meeting audio and visual. If you require a call-in option to participate (e.g., computer does not have a microphone), dial 802-828-7667 and enter Phone Conference ID: 106 522 523#.

Physical meeting location suspended until January 15, 2023 due to [Open Meeting Law temporary provisions](#).

- Welcome
- Review and approval of the minutes from the [December 12, 2022](#) meeting
- Note any additions or deletions from the agenda
- Public comment
- Presentation of the following proposed rule:
  - 1) HazMat Transportation & Motor Carrier Safety Standards, Agency of Transportation, Department of Motor Vehicles
    - a) Rules 55-001 & 50-036 provide authority to enforce Federal Regulations through state law for commercial vehicles & transportation of hazardous materials.
  - 2) Rule 1: Licensing of Cannabis Establishments, Cannabis Control Board
    - a) Rule 1 regulates the licensing of any person or entity that seeks to participate in the legal market for cannabis.
  - 3) Rule 2: Regulation of Cannabis Establishments, Cannabis Control Board
    - a) Rule 2 regulates the operation of any entity that has received a license to participate in the legal market for cannabis.
  - 4) Rule 4: Compliance and Enforcement, Cannabis Control Board
    - a) This rule provides the enforcement mechanisms, procedures, and penalties for the Cannabis Control Board's Rules 1 through 3, which govern the licensing and regulation of commercial cannabis businesses and patient access to therapeutic cannabis.
  - 5) Home Visiting Rule, Vermont Department of Health
    - a) This rulemaking does the following:
      - i) Updates the rule to reflect current practices and program management.
      - ii) Consolidates and moves recommendations from the existing rule, into The Manual of Vermont Home Visiting Program Standards, a supplemental resource for home visiting service providers.
      - iii) Simplifies the required documentation and program plan process for home visiting service providers.
      - iv) Updates employee and volunteer hiring standards by requiring comprehensive orientation to new home visiting providers within the first six months of the date of hire.
      - v) Ensures all screening tools used by home visiting providers are evidence-based.



- vi) Reorganizes the requirements of home visiting providers for clarity.
- 6) STep Ahead Recognition System (STARS) Rules, Department for Children and Families
  - a) The State of Vermont's child care Quality Recognition and Improvement System (QRIS) is called STep Ahead Recognition System or STARS. The system is informed by the unique culture and identity of quality practices in Vermont's early childhood and afterschool programs and offers equitable opportunities for programs and providers to engage in the improvement system. QRIS are designed to recognize provider strengths, to support family choice, and to improve children's experiences in early childhood and afterschool programs. One goal of QRIS is to support early childhood and afterschool programs in fostering healthy development and preparing young children for future learning and life success. Vermont's STARS supports family choice, allowing parents and caregivers to make informed decisions regarding the quality of a program and services provided by that program. QRIS can give families insight into program philosophy, helping the family choose the best possible fit for their children.
- 7) Privacy of Consumer Financial and Health Information, Department of Financial Regulation
  - a) The Department of Financial Regulation's rule on "Privacy of Consumer Financial and Health Information" establishes limitations on how insurance companies, other entities that offer insurance to Vermont consumers, and insurance agents share consumers' financial and health information. The rule is being amended to modernize and streamline how annual notices identifying these privacy practices are provided to consumers. Instead of delivering an annual privacy notice to consumers individually, entities and agents who meet specific criteria will have the option to provide the notice on their website. This rule amendment will make the requirements for the provision of annual privacy notices consistent with federal law and with similar requirements, established in other rules, for entities regulated by the Banking Division. This rule amendment also makes technical corrections and clarifies what to include in the federal model privacy form should an entity elect to use that form as its privacy notice.
- Other business
- Next meeting date: Wednesday, February 22, 2023, 2:00 PM (changed from Monday, February 13, 2023)
- Adjournment

###





VERMONT **GENERAL ASSEMBLY**

# The Vermont Statutes Online

## Title 3 : Executive

### Chapter 025 : Administrative Procedure

#### Subchapter 001 : General Provisions

(Cite as: 3 V.S.A. § 801)

#### § 801. Short title and definitions

(a) This chapter may be cited as the “Vermont Administrative Procedure Act.”

(b) As used in this chapter:

(1) “Agency” means a State board, commission, department, agency, or other entity or officer of State government, other than the Legislature, the courts, the Commander in Chief, and the Military Department, authorized by law to make rules or to determine contested cases.

(2) “Contested case” means a proceeding, including but not restricted to rate-making and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.

(3) “License” includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law.

(4) “Licensing” includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

(5) “Party” means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(6) “Person” means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

(7) “Practice” means a substantive or procedural requirement of an agency, affecting one or more persons who are not employees of the agency, that is used by the agency in the discharge of its powers and duties. The term includes all such requirements, regardless of whether they are stated in writing.

(8) “Procedure” means a practice that has been adopted in writing, either at the election of the agency or as the result of a request under subsection 831(b) of this title. The term includes any practice of any agency that has been adopted in writing, whether or not labeled as a procedure, except for each of the following:

(A) a rule adopted under sections 836-844 of this title;

(B) a written document issued in a contested case that imposes substantive or procedural requirements on the parties to the case;

(C) a statement that concerns only:

(i) the internal management of an agency and does not affect private rights or procedures available to the public;

(ii) the internal management of facilities that are secured for the safety of the public and the individuals residing within them; or

(iii) guidance regarding the safety or security of the staff of an agency or its designated service providers or of individuals being provided services by the agency or such a provider;

(D) an intergovernmental or interagency memorandum, directive, or communication that does not affect private rights or procedures available to the public;

(E) an opinion of the Attorney General; or

(F) a statement that establishes criteria or guidelines to be used by the staff of an agency in performing audits, investigations, or inspections, in settling commercial disputes or negotiating commercial arrangements, or in the defense, prosecution, or settlement of cases, if disclosure of the criteria or guidelines would compromise an investigation or the health and safety of an employee or member of the public, enable law violators to avoid detection, facilitate disregard of requirements imposed by law, or give a clearly improper advantage to persons that are in an adverse position to the State.

(9) “Rule” means each agency statement of general applicability that implements, interprets, or prescribes law or policy and that has been adopted in the manner provided by sections 836-844 of this title.

(10) “Incorporation by reference” means the use of language in the text of a regulation that expressly refers to a document other than the regulation itself.

(11) “Adopting authority” means, for agencies that are attached to the Agencies of Administration, of Commerce and Community Development, of Natural Resources, of Human Services, and of Transportation, or any of their components, the secretaries of those agencies; for agencies attached to other departments or any of their components, the commissioners of those departments; and for other agencies, the chief officer of the agency. However, for the procedural rules of boards with quasi-judicial powers, for the Transportation Board, for the Vermont Veterans’ Memorial Cemetery Advisory Board, and for the Fish and Wildlife Board, the chair or executive secretary of the board shall be the adopting authority. The Secretary of State shall be the adopting authority for the Office of Professional Regulation.

(12) “Small business” means a business employing no more than 20 full-time

employees.

(13)(A) “Arbitrary,” when applied to an agency rule or action, means that one or more of the following apply:

(i) There is no factual basis for the decision made by the agency.

(ii) The decision made by the agency is not rationally connected to the factual basis asserted for the decision.

(iii) The decision made by the agency would not make sense to a reasonable person.

(B) The General Assembly intends that this definition be applied in accordance with the Vermont Supreme Court’s application of “arbitrary” in , 2006 VT 65, and , 154 Vt. 596 (1990).

(14) “Guidance document” means a written record that has not been adopted in accordance with sections 836-844 of this title and that is issued by an agency to assist the public by providing an agency’s current approach to or interpretation of law or describing how and when an agency will exercise discretionary functions. The term does not include the documents described in subdivisions (8)(A) through (F) of this section.

(15) “Index” means a searchable list of entries that contains subjects and titles with page numbers, hyperlinks, or other connections that link each entry to the text or document to which it refers. (Added 1967, No. 360 (Adj. Sess.), § 1, eff. July 1, 1969; amended 1981, No. 82, § 1; 1983, No. 158 (Adj. Sess.), eff. April 13, 1984; 1985, No. 56, § 1; 1985, No. 269 (Adj. Sess.), § 4; 1987, No. 76, § 18; 1989, No. 69, § 2, eff. May 27, 1989; 1989, No. 250 (Adj. Sess.), § 88; 2001, No. 149 (Adj. Sess.), § 46, eff. June 27, 2002; 2017, No. 113 (Adj. Sess.), § 3; 2017, No. 156 (Adj. Sess.), § 2.)

# The Vermont Statutes Online

## Title 33 : Human Services

### Chapter 001 : Department For Children And Families

#### Subchapter 001 : Policy, Organization, Powers, And Duties

(Cite as: 33 V.S.A. § 105)

#### § 105. Commissioner; appointment, term, duties, and powers

(a) The Commissioner may exercise the powers and perform duties required for effective administration of the Department, and he or she shall determine the policies of the Department.

(b) In addition to other duties imposed by law, the Commissioner shall:

(1) administer the laws assigned to the Department;

(2) fix standards and adopt rules necessary to administer those laws and for the custody and preservation of records of the Department;

(3) appoint all necessary assistants, prescribe their duties, and adopt rules necessary to ensure that the assistants shall hold merit system status while in the employ of the Department, unless otherwise specifically provided by law.

(c) The Commissioner or the Governor, whenever the federal law so provides, may cooperate with the federal government in providing relief and work relief and community work and training programs in the State.

(d) The Commissioner, with the approval of the Attorney General, may enter into reciprocal agreements with social and child welfare agencies in other states in matters relating to social welfare, children, and families.

(e) The Commissioner shall ensure the provision of services to children and adolescents with a severe emotional disturbance in coordination with the Secretary of Education and the Commissioners of Mental Health and of Disabilities, Aging, and Independent Living in accordance with the provisions of chapter 43 of this title.

(f) Notwithstanding any other provision of law, the Commissioner may delegate to any appropriate employee of the Department any of the administrative duties and powers imposed on him or her by law, with the exception of the duties and powers enumerated in this section. The delegation of authority and responsibility shall not relieve the Commissioner of accountability for the proper administration of the Department.

(g) The Commissioner may publicly disclose findings or information about any case of

child abuse or neglect that has resulted in the fatality or near fatality of a child, including information obtained under chapter 49 of this title, unless the State's Attorney or Attorney General who is investigating or prosecuting any matter related to the fatality requests the Commissioner to withhold disclosure, in which case the Commissioner shall not disclose any information until completion of any criminal proceedings related to the fatality or until the State's Attorney or Attorney General consents to disclosure, whichever occurs earlier. (Added 1967, No. 147, § 1; amended 1973, No. 101, § 6; 1983, No. 175 (Adj. Sess.); 2013, No. 131 (Adj. Sess.), § 6, eff. May 20, 2014; 2015, No. 29, § 11; 2021, No. 20, § 273.)



# Proposed Rules Postings

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### Search Rules

#### Deadline For Public Comment

Deadline: Mar 22, 2023

Please submit comments to the agency or primary contact person listed below, before the deadline.

#### Rule Details

Rule Number:	23P002
Title:	SStep Ahead Recognition System (STARS) Rules.
Type:	Standard
Status:	Proposed
Agency:	Department for Children and Families, Agency of Human Services
Legal Authority:	3 V.S.A. § 801(b)(11); 33 V.S.A. § 105(b)(2) The State of Vermont's child care Quality Recognition and Improvement System (QRIS) is called SStep Ahead Recognition System or STARS. The system is informed by the unique culture and identity of quality practices in Vermont's early childhood and afterschool programs and offers equitable opportunities for programs and providers to engage in the improvement system. QRIS are designed to recognize provider strengths, to support family choice, and to improve children's experiences in early childhood and afterschool programs. One goal of QRIS is to support early childhood and afterschool programs in fostering healthy development and preparing young children for future learning and life success. The proposed rule replaces the graduated point system and arenas with levels and content areas. The proposed rule also provides the Department with flexibility to update content areas based on evidence and research within the field.
Summary:	
Persons Affected:	All independent providers of out-of-home care not otherwise exempt from regulation Private and public prekindergarten programs Vermont Department for Children and Families in the Vermont Agency of Human Services Vermont Department of Health in the Vermont Agency of Human Services Vermont Agency of Education Children,

birth to 13 years, and their families

Economic Impact:

The Department anticipates a positive economic impact to smaller child care programs. The Department is unable to quantify the economic impact; however, the Department anticipates that smaller child care programs that may have been unable to advance in STARS points in the past due to the administrative burden imposed by the current system may choose to apply for more STARS under the new system. An increase in the number of STARS would result in increased payments to the program through the Child Care Financial Assistance Program.

Posting date:

Feb 01,2023

## Hearing Information

### Information for Hearing # 1

Hearing date: 03-09-2023 1:00 PM [ADD TO YOUR CALENDAR](#)

Location: Library Meeting House  
Address: 830 Main Street 2nd Floor  
City: Colchester  
State: VT  
Zip: 05446  
Hearing Notes:

### Information for Hearing # 2

Hearing date: 03-09-2023 6:30 PM [ADD TO YOUR CALENDAR](#)

Location: Library Meeting House  
Address: 830 Main Street 2nd Floor  
City: Colchester  
State: VT  
Zip: 05446  
Hearing Notes:

### Information for Hearing # 3

Hearing date: 03-09-2023 6:30 PM [ADD TO YOUR CALENDAR](#)

Location: Virtually via MS Teams  
Address: Meeting ID: 239 991 955 766 Passcode: p73JnR  
City: n/a  
State: VT  
Zip: n/a

Link: [https://teams.microsoft.com/l/meetup-join/193ameeting\\_MmE1YmY0YzltNTg5ZC00OGNjLTlhYWMTzGM4MTdlMmJmZDky40thread.v2/0?context=7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c220id223a22a7972903-b22b-48ab-91f0-1282d59b4a10227d](https://teams.microsoft.com/l/meetup-join/193ameeting_MmE1YmY0YzltNTg5ZC00OGNjLTlhYWMTzGM4MTdlMmJmZDky40thread.v2/0?context=7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c220id223a22a7972903-b22b-48ab-91f0-1282d59b4a10227d)  
Hearing Notes:

### Information for Hearing # 4

Hearing date: 03-14-2023 1:00 PM [ADD TO YOUR CALENDAR](#)

Location: Community College of Vermont  
Address: 145 Billings Farm Road, Room 102  
City: White River Junction  
State: VT  
Zip: 05001

Hearing  
Notes:

#### Information for Hearing # 5

Hearing 03-14-2023 1:00 PM [ADD TO YOUR CALENDAR](#)  
date:

Location: Virtually via MS Teams

Address: Meeting ID: 218 593 310 702 Passcode: X3DzPn

City: n/a

State: VT

Zip: n/a

Link: [https://teams.microsoft.com/l/meetup-join/193ameeting\\_NGI4YzJmMDYtNDRlMi00Nzc4LWExMjYtYWVjNTU5ZTczZDIy40thread.v2/0?context=7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a222f080eed-32c3-4afc-9ba0-6fb44c74de61227d](https://teams.microsoft.com/l/meetup-join/193ameeting_NGI4YzJmMDYtNDRlMi00Nzc4LWExMjYtYWVjNTU5ZTczZDIy40thread.v2/0?context=7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a222f080eed-32c3-4afc-9ba0-6fb44c74de61227d)

Hearing Notes: 3ameeting\_NGI4YzJmMDYtNDRlMi00Nzc4LWExMjYtYWVjNTU5ZTczZDIy40thread.v2/0?context=7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a222f080eed-32c3-4afc-9ba0-6fb44c74de61227d

#### Information for Hearing # 6

Hearing 03-14-2023 6:30 PM [ADD TO YOUR CALENDAR](#)  
date:

Location: Community College of Vermont

Address: 145 Billings Farm Road, Room 102

City: White River Junction

State: VT

Zip: 05001

Hearing  
Notes:

## Contact Information

#### Information for Primary Contact

**PRIMARY CONTACT PERSON** - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level: Primary  
Name: Leslie Bergeron, Child Development Division  
Agency: Department for Children and Families, Agency of Human Services  
Address: 280 State Drive, NOB 1 North  
City: Waterbury  
State: VT  
Zip: 05671  
Telephone: 802-760-9282  
Fax:  
Email: [leslie.bergeron@vermont.gov](mailto:leslie.bergeron@vermont.gov)

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Website Address: <https://dcf.vermont.gov/cdd/laws-rules>

[VIEW WEBSITE](#)

#### Information for Secondary Contact

**SECONDARY CONTACT PERSON** - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level: Secondary  
Name: Johanna Vaczy, Child Development Division  
Agency: Department for Children and Families, Agency of Human Services



Address: 280 State Drive, NOB 1 North  
City: Waterbury  
State: VT  
Zip: 05671  
Telephone: 802-904-3161  
Fax:  
Email: johanna.vaczy@vermont.gov

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## Keyword Information

Keywords:

STARS  
child care  
Early childhood and afterschool program  
Step ahead recognition  
system quality recognition  
QRIS

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	The Caledonian Record Julie Poutré ( <a href="mailto:adv@caledonian-record.com">adv@caledonian-record.com</a> )	Tel: 748-8121 FAX: 748-1613
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	The Islander ( <a href="mailto:islander@vermontislander.com">islander@vermontislander.com</a> )	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer ( <a href="mailto:hunter.press.vermont@gmail.com">hunter.press.vermont@gmail.com</a> )	Attn: Will Hunter

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FROM: APA Coordinator, VSARA

Date of Fax: January 31, 2023

RE: The "Proposed State Rules " ad copy to run on

February 9, 2023

PAGES INCLUDING THIS COVER MEMO:

2

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**\*NOTE\* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

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If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact VSARA at 802-828-3700, or E-Mail [sos.statutoryfilings@vermont.gov](mailto:sos.statutoryfilings@vermont.gov), Thanks.

## PROPOSED STATE RULES

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By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/> . The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

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STep Ahead Recognition System (STARS) Rules.

Vermont Proposed Rule: 23P002

AGENCY: Agency of Human Services, Department for Children and Families

CONCISE SUMMARY: The State of Vermont's child care Quality Recognition and Improvement System (QRIS) is called STep Ahead Recognition System or STARS. The system is informed by the unique culture and identity of quality practices in Vermont's early childhood and afterschool programs and offers equitable opportunities for programs and providers to engage in the improvement system. QRIS are designed to recognize provider strengths, to support family choice, and to improve children's experiences in early childhood and afterschool programs. One goal of QRIS is to support early childhood and afterschool programs in fostering healthy development and preparing young children for future learning and life success. The proposed rule replaces the graduated point system and arenas with levels and content areas. The proposed rule also provides the Department with flexibility to update content areas based on evidence and research within the field.

FOR FURTHER INFORMATION, CONTACT: Leslie Bergeron, Agency of Human Services, Department for Children and Families, Child Development Division 280 State Drive, NOB 1 North, Waterbury, VT 05671 Tel: 802-760-9282 Email: [leslie.bergeron@vermont.gov](mailto:leslie.bergeron@vermont.gov) URL: <https://dcf.vermont.gov/cdd/laws-rules>.

FOR COPIES: Johanna Vaczy, Agency of Human Services, Department for Children and Families, Child Development Division 280 State Drive, NOB 1 North, Waterbury, VT 05671 Tel: 802-904-3161 Email: [johanna.vaczy@vermont.gov](mailto:johanna.vaczy@vermont.gov).

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