

**STATE OF VERMONT  
AGENCY OF HUMAN SERVICES  
Department for Children and Families**

# **CDD**

## **Child Development Division**

**DATE:** January 24, 2023

**SUBJECT:** Proposed STARS Administrative Rule Changes

**CHANGES ADOPTED EFFECTIVE** July 1, 2023

### **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.

### **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.

## *Specific Changes to Rule Sections*

<b>I. Purpose</b>	Changes STARS description to better reflect the new system and detail its six specific purposes.
<b>III. Terms and Definitions</b>	Updates terms used and their definitions.
<b>IV. STARS Framework</b>	<p>Updates STARS Framework to reflect QRIS, and remove level and point based references.*</p> <p>*Previous Rule lacked defining STARS as a QRIS. Removal of specific references enable CDD to update the system based on current research and best practices.</p>
<b>V. STARS Certificates</b>	<p>This subsection has been renumbered.</p> <p>Updates annual requirement to maintain STARS level from submission of an annual report to an annual CQI Plan for review on non-renewal years.</p> <p>Removes of requirement for application renewals to be received 90 days prior to certificate expiration.</p> <p>Removes of requirement for onsite visits.</p> <p>Removes six-month wait requirement to reapply for STARS level.</p> <p>Adds Rule for CDD to create and distribute a STARS guidance materials to programs.</p> <p>Adds Rule to update content areas and criteria on a regular basis according to new evidence-based research, updated federal program standards and feedback from enrolled Vermont programs.</p> <p>Adds rule for CDD to publish new criteria and content areas related to the STARS Revision. Previous STARS arenas replaced by content areas.*</p> <p>*This proposed model for a new STARS is based on feedback received from stakeholders, state partners, and evaluation studies of quality improvement systems and child outcomes, including the 2016 Child Trends evaluation and validation study of Vermont's QRIS. It is an attempt to include only factors proven to have a positive effect on child outcomes and based on equitable practices regarding not only children but their families as well.</p>
<b>VI. SPARQS</b>	Removes standards, points, and arenas from Rule.

Adds rule for implementation of the System for Program Access to Resources for Quality Supports (SPARQS)\* that includes support for:

- Program self-assessment and CQI;
- STARS assessors to observe programs and provide feedback; and
- Access to quality support staff who facilitate progress toward program goals.

\* SPARQS replaces a reorganization of VT's child care system that removed consultation and technical assistance work previously offered to programs by Resource and Referral Agencies; addresses feedback from stakeholders and federal consultants citing a need for robust coaching system; addresses needs identified by licensors and internal subject matter experts; and fills gaps in support to Vermont Early Childhood Networks created by the Let's Grow Kids transition.

**VII. Financial Incentive Payments**

Removes STARS level maintenance from Rule.

**VIII. Falsification of Information**

This subsection has been renumbered.

**VIX. Grievances**

This subsection has been renumbered.

Amended with clarifying language.

**VX. Severability**

Adds Severability Rule\*

\*Severability is a standard state provision, stating that should one section of these Rules be determined invalid, such determination does not affect the validity of the remaining rule.

**XI. Effective Date**

Adds July 1, 2023 effective date.

**Rulemaking Process**

***A. Informal Public Input Process***

1. The proposed rule was approved by the Interagency Committee on Administrative Rules (ICAR) on January 9, 2023.
2. The proposed rule is expected to be filed with the Secretary of State's Office on January 24, 2023.
3. The Secretary of State will publish notice of rulemaking on its website and in newspapers on February 1, 2023 and February 9, 2023 respectively.

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4. The department will post the proposed rule on its website <https://dcf.vermont.gov/cdd/laws-rules/proposed> and notify advocates, subscribers, and members of the public of the proposed rule.

**B. Formal Notice and Comment Period**

1. Four public hearings will be held where CDD will collect comments. The hearings provide an opportunity for the public to express their thoughts, and CDD will not respond to comments during the hearing. CDD will respond to all comments collectively in writing after the public comment period has ended, by early April.
  - March 9, 2023, at 1:00 am at Library Meeting Hall, 2<sup>nd</sup> Floor, 830 Main St., Colchester, VT 05446
  - March 9, 2023, at 6:30pm at Library Meeting Hall, 2<sup>nd</sup> Floor, 830 Main St., Colchester, VT 05446 and via Teams app at [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NGFiYjM5YzMtODExZC00NDcyLTg0Y2QtNGYxOTRiNzEzODg4%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%222f080eed-32c3-4afc-9ba0-6fb44c74de61%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGFiYjM5YzMtODExZC00NDcyLTg0Y2QtNGYxOTRiNzEzODg4%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%222f080eed-32c3-4afc-9ba0-6fb44c74de61%22%7d)  
Meeting ID: 239 991 955 766  
Passcode: p73JnR
  - March 14, 2023, at 1:00 at Community College of Vermont (CCV), 145 Billings Farm Rd, Room 102, White River Junction, Vermont 05001 and via Teams app at [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NGI4YzJmMDYtNDRiMi00Nzc4LWExMjYtYWNjNTU5ZTczZDIy%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%222f080eed-32c3-4afc-9ba0-6fb44c74de61%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGI4YzJmMDYtNDRiMi00Nzc4LWExMjYtYWNjNTU5ZTczZDIy%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%222f080eed-32c3-4afc-9ba0-6fb44c74de61%22%7d)  
Meeting ID: 218 593 310 702  
Passcode: X3DzPn
  - March 12, 2023, at 6:30pm at Community College of Vermont (CCV), 145 Billings Farm Rd, Room 102, White River Junction, Vermont 05001
2. Written comments may be submitted no later than 5:00 pm on March 22, 2023, to CDD STARS Team, Child Development Division, NOB 1 North 280 State Drive, Waterbury, Vermont 05671-1040, [STARS@vermont.gov](mailto:STARS@vermont.gov) or via public survey at <https://forms.office.com/g/hne169jAYq>
3. The anticipated effective date of the rule is July 1, 2023. This date is subject to change

The department will post the rule on the Child Development Division website at <https://dcf.vermont.gov/cdd/laws-rules/proposed> and on the STARS Revision website at <https://dcf.vermont.gov/cdd/providers/care/STARS/revision> and notify advocates and members of the public about the rule

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking go to the website of the Office of the Vermont Secretary of State at: <https://sos.vermont.gov/secretary-of-state-services/apa-rules/>.

## Proposed Filing - Coversheet

### **Instructions:**

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” ([CVR 04-000-001](#)) adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms and enclosures with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted to 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 Proposed Filing Coversheet will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record. Publication of notices will be charged back to the promulgating agency.

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

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**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 1/24/23

(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 Filing Confirmed

1. TITLE OF RULE FILING:

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

2. ADOPTING AGENCY:

Agency of Human Services, Department for Children and Families

3. PRIMARY CONTACT PERSON:

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

Name: Leslie Bergeron

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) 760-9282 Fax:

E-Mail: leslie.bergeron@vermont.gov

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

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

4. 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

5. 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:

6. 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)

**7. 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).

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

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 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.

**9. 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.

**10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY AS DEFINED  
IN 3 V.S.A. § 801(b)(13)(A):**

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

**11. 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

**12. 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.



13. A HEARING WILL BE SCHEDULED.

IF A HEARING WILL NOT BE SCHEDULED, PLEASE EXPLAIN WHY.

14. 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 NEEDED FOR THE NOTICE OF RULEMAKING.

Date: 3/9/2023

Time: 01:00 PM

Street Address: 830 Main Street 2<sup>nd</sup> Floor, Colchester

Zip Code: 05446

Date: 3/9/2023

Time: 06:30 PM

Street Address: 830 Main Street 2nd Floor, Colchester

Zip Code: 05446

Date: 3/14/2023

Time: 01:00 PM

Street Address: 145 Billings Farm Road Room 102, White River  
Junction

Zip Code: 05001

Date: 3/14/2023

Time: 06:30 PM

Street Address: 145 Billings Farm Road Room 102, White River  
Junction

Zip Code: 05001

15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING): 3/22/2023

16. 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  
quality recognition  
QRIS

## **Attend a Public Hearing Online**

The public hearings scheduled on March 9, 2023 at 6:30 pm and March 14 at 1:00 pm will be available online via the Teams app.

You can join the online public hearing with a computer, tablet, or smartphone by connecting to:

March 9, 2023 6:30 pm - [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NGFiYjM5YzMtODExZC00NDcyLTg0Y2QtNGYxOTRiNzEzODg4%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%222f080eed-32c3-4afc-9ba0-6fb44c74de61%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGFiYjM5YzMtODExZC00NDcyLTg0Y2QtNGYxOTRiNzEzODg4%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%222f080eed-32c3-4afc-9ba0-6fb44c74de61%22%7d)

Meeting ID: 239 991 955 766

Passcode: p73JnR

March 14, 2023 1:00 pm - [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NGI4YzJmMDYtNDRiMi00Nzc4LWExMjYtYWNjNTU5ZTczZDIy%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%222f080eed-32c3-4afc-9ba0-6fb44c74de61%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGI4YzJmMDYtNDRiMi00Nzc4LWExMjYtYWNjNTU5ZTczZDIy%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%222f080eed-32c3-4afc-9ba0-6fb44c74de61%22%7d)

Meeting ID: 218 593 310 702

Passcode: X3DzPn

## 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.

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1. TITLE OF RULE FILING:

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

2. ADOPTING AGENCY:

Agency of Human Services, Department for Children and Families

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

## 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.

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#### 1. TITLE OF RULE FILING:

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

#### 2. ADOPTING AGENCY:

Agency of Human Services, Department for Children and Families

#### 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 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 based.

**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

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### 1. TITLE OF RULE FILING:

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

### 2. ADOPTING AGENCY:

Agency of Human Services, Department for Children and Families

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 IMPACT 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 education 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:

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1. TITLE OF RULE FILING:

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

2. ADOPTING AGENCY:

Agency of Human Services, Department for Children and Families

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 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

## Public Input

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 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.



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

### I. Purpose

- ~~a. The purpose of T~~ these rules ~~is to~~ establish the STep Ahead Recognition System (STARS), Vermont's Quality Recognition and Improvement System (QRIS) for Center Based Child Care and Preschool programs, Family Child Care Homes, and Afterschool Child Care programs. ~~The specific purpose of this quality recognition system is to promote, reward and recognize child care and education programs that achieve higher quality standards STARS is designed to be applicable to public and private programs regulated by DCF/CDD, including prekindergarten education programs in public schools. The purpose of STARS is to:~~
- ~~i. be responsive to and reflect the unique culture and identity of quality practices in Vermont's early childhood and afterschool programs;~~
  - ~~ii. offer equitable opportunities for early childhood and afterschool programs and providers to engage in the improvement system;~~
  - ~~iii. support early childhood and afterschool programs in fostering healthy development and preparing young children for future learning and life success;~~
  - ~~iv. support family choice by allowing parents and caregivers to make informed decisions and choose the best possible care for their children based on a program's philosophy, quality of an early childhood or afterschool program, and services provided by that program;~~
  - ~~v. represent early childhood and afterschool programs' strengths to families; and~~
  - ~~vi. demonstrate early childhood and afterschool programs' progress toward quality improvements.~~

### II. Authority

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

### III. Terms and Definitions

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

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

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

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

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

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

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

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

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

~~"Early childhood" means the period from birth to age eight.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **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 CQI plan will be required to maintain the program's standing within a level in years two and three of the application cycle.~~



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

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

#### **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. 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 "sueccessive 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 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 shall not require modification of these regulations 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, the Commissioner 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 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.

### **VIII.X. Grievances**

a. ~~STARS Applicants or program participants~~ have the right to ~~appeal~~ have the rejection of their application materials or other adverse decision related to ~~the STARS program~~, such as the suspension or revocation of a STARS ~~certificate status~~ -in connection with enforcement of licensing regulations, subsidy regulations or these -standards rules, reviewed by the STARS grievance committee.

b. ~~Appeals Requests for review~~ must be in writing and received by the DCF Commissioner 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 of the Department AOE Secretary of Education~~ shall join the DCF Commissioner ~~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 Commissioner ~~(and AOE Secretary, 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 Commissioner ~~(sand Secretary, if applicable)~~ with a recommendation.

- e. The Commissioner (~~and Secretary, 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.

#### **IXXI. Effective Date**

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



## **STEP AHEAD RECOGNITION SYSTEM (STARS) RULES**

### **I. Purpose**

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

### **II. 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. Initial incentive payments are subject to availability of funds and may otherwise be limited by these standards or by law.

## **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 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 shall not require modification of these regulations through the rule-making process.

### **b. 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, the Commissioner 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 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 regulations, subsidy regulations or these rules, reviewed by the STARS grievance committee.
- b. Requests for review must be in writing and received by the DCF Commissioner within 30 days of the date of rejection or other adverse decision.

- c. If the grievant is a school-operated pre-kindergarten program, the AOE Secretary shall join the DCF Commissioner in deciding the appeal.
- d. The committee shall be appointed by the Commissioner (and AOE Secretary, 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 Commissioner and Secretary, if applicable with a recommendation.
- e. The Commissioner (and Secretary, 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.

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JENNEY SAMUELSON  
SECRETARY

TODD W. DALOZ  
DEPUTY SECRETARY

STATE OF VERMONT  
AGENCY OF HUMAN SERVICES

MEMORANDUM

**TO:** Jim Condos, Secretary of State

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

**DATE:** April 1, 2022

**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



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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

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