

## Keystone STARS Status Review, Reduction, Suspension, & Removal Process

By signing this agreement, the GRANTEE (and affiliated Sub Grantees) understands and accepts the provisions of the Keystone STARS Status Review, Reduction, Suspension, & Removal Process as outlined below. The intent of this process is to provide a consistent mechanism for addressing noncompliance issues in early learning programs (“programs”) participating in Keystone STARS. Please note: The Department of Human Services (DHS), the Office of Child Development and Early Learning (OCDEL) and/or the Early Learning Resource Center (ELRC) may take action for other types of program non-compliance not specifically listed in this addendum. **A change in a program’s STAR level designation status will impact quality subsidy add-on rates (for DHS regulated programs) and/or Keystone STARS Grants and Awards for programs that are eligible for these funding opportunities.** The Resource and Restrictions chart at the end of this section details the impacts to a program’s access to various Keystone STARS resources as a result of the process. The ELRC will inform the GRANTEE/Sub Grantee in writing of any action taken to a program’s STAR level designation.

### STARS STATUS REVIEW

The intent of the STARS Status Review is to provide a maximum of 30 days for the ELRC to make a determination regarding the appropriate action to take upon a program’s Keystone STARS designation status. The ELRC will verify area(s) of a program’s noncompliance and will work with DHS Certification (Bureau or Regional Office for DHS Regulated programs) or other program governing bodies (such as the federal Office of Head Start) as needed to help the program correct the noncompliance.

The ELRC may also conduct a STARS Status Review in response to complaints from parents and/or other community stakeholders.

The ELRC will work with the program in the development of a STARS action plan (not to exceed 90 days) if any of the following conditions are verified during the STARS Status Review:

- The program is not meeting Keystone STARS Performance Standards, other than the Program Quality Assessment Score quality indicator, but **can** meet STARS Performance Standards within a 90-day timeframe.
- For DHS Regulated programs, the program has area(s) of noncompliance with DHS Regulations that **do not** lead to a Provisional Certificate of Compliance (i.e. areas of noncompliance on a Licensing Inspection Summary).
- A STAR 3 or 4 Accredited program designated via an Alternate Pathway, per the Keystone STARS Performance Standards, loses its accreditation status, but **can** meet STARS Performance Standards within a 90-day timeframe.

After the program meets the requirements of the STARS action plan, the ELRC reissues a STAR Certificate with the original expiration date.

If the program does *not* meet the requirements of the STARS action plan, the ELRC or OCDEL proceeds with one of the following, based upon the circumstances explained below:

- STAR Reduction – The program agrees to a reduced STAR level for which the program meets all STARS Performance Standards.
- STAR Suspension – The program refuses a STAR Reduction but does not meet the STARS Performance Standards for its current STAR designation.

## STAR REDUCTION

The ELRC will complete a STAR Reduction if any of the following conditions are verified during the STARS Status Review:

- A STAR 2, STAR 3 or STAR 4 program fails to submit a “Request for STAR Designation” to renew its current STAR designation. (program drops to STAR 1)
- The program does not meet the requirements of the STAR Suspension action plan. (program drops to STAR level at which they meet the appropriate STARS Standards)
- The program is not meeting STARS Performance Standards, other than the Program Quality Assessment (PQA), and the area(s) of noncompliance **cannot** be corrected within a 90-day timeframe. (program drops to STAR level at which they meet the appropriate STAR Standards).
- A STAR 3 or 4 Accredited program designated via an Alternate Pathway, per the Keystone STARS Performance Standards, loses its accreditation status. (program drops to STAR level at which they meet the appropriate STAR standards)
- The program is not meeting the required monitoring PQA threshold scores and are not eligible for a targeted reassessment. (program drops to STAR level at which they meet the appropriate STAR standards)
- If the GRANTEE/Sub Grantee refuses a STAR Reduction, the program will receive a STAR Suspension.

## STAR SUSPENSION

The STAR Suspension will occur as a result of any of the following conditions or for other types of program non-compliance not specifically listed in this addendum:

### For DHS regulated programs in Keystone STARS

- DHS initiates an Injunction or Negative Sanction or issues a Provisional Certificate of Compliance for areas of regulatory noncompliance.  
**SPECIAL NOTE:**
  - A Provisional Certificate of Compliance, issued for a period not to exceed six months, when there is a change in the physical location by a currently designated STAR 3 or STAR 4 program are not considered due to “regulatory noncompliance.” These programs may maintain their existing STAR level designation at their new location. This includes programs at an emergency, temporary physical location on a short-term basis (up to 60 days) returning to their permanent facility.
  - After six months, programs must demonstrate receipt of a Certificate of Compliance. In the event that they are not fully compliant, an individual review of their STAR status will be conducted.
- Not following Child Protective Services Laws (CPSL)
- The program consistently has multiple incidents of noncompliance with DHS Regulations.
- The program fails to implement, complete, and/or maintain a STARS action plan.
- The program is under investigation by DHS for egregious circumstances. Issues falling under this condition will be handled on a case-by-case basis with OCDEL’s oversight.
- DHS OCDEL terminates the program’s subsidy agreement.

### **For Non-DHS regulated programs in Keystone STARS**

- Not following Child Protective Services Laws (CPSL)
- Deficiencies found in the Head Start Key Indicator-Compliance (HSKI-C) Protocol
- The discovery of state/federal performance, integrity issues, disparities, and/or improprieties of the educational institution which includes, but not limited to, the School District, the Local Educational Agency (LEA), 21<sup>st</sup> Century Community Learning Centers and/or the educator (s) of such institutions.

### **For ALL programs in Keystone STARS**

- The GRANTEE/Sub Grantee/program cannot be determined a Responsible Contractor as outlined in the commonwealth's Management Directive 215.9 including but not limited to the following circumstances:
  - Suspension or debarment by the Commonwealth within the past 5 years.
  - Suspension or debarment by the federal government or any other state or governmental entity within the past 5 years.
  - Liabilities owed to the Commonwealth (including recoupments for Child Care Works payments) and/or federal government, including but not limited to tax liabilities.
  - Notifying the ELRC of liens/liabilities is a requirement of receiving Keystone STARS funds.
  - Unsatisfactory or deficient performance in past or current Commonwealth contracts or agreements as determined by the Commonwealth in its sole discretion.
  - Lack of capacity or ability to perform within the established time schedule and in accordance with the plans and specifications of the contract or agreement.
  - False, misleading, or incomplete information submitted to the Commonwealth.
  - Default on a Commonwealth contract or agreement as determined by the Commonwealth in its sole discretion.
  - The commission of any state or federal offense or criminal charges.
  - Pending investigation by a federal or state agency or under investigation by a federal or state agency within the past 5 years.
  - Facility health and safety related issues.
  - General business integrity.
  - The GRANTEE/Sub Grantee is under investigation for egregious circumstances by the program's specific governing body/authority. Issues falling under this condition will be handled on a case-by-case basis with OCDEL's oversight.
  - The GRANTEE/Sub Grantee fails to submit to the ELRC, OCDEL, or other requesting state/federal agency an approvable final expense report and/or corresponding original receipts/documentations validating compliance with state and federal requirements for the use of state and federal funds. Failure to account for or appropriately use all funds received through Keystone STARS financial grants and awards may also result in a referral to the commonwealth's Office of State Inspector General.

During the Keystone STARS Suspension, the program must work with the ELRC on the development, implementation, and completion of a STARS Suspension Action Plan.

The STAR Suspension Action Plan to correct the area(s) of noncompliance, will not exceed 90 days' duration. For DHS regulated programs, where the noncompliance is with DHS Regulations, the ELRC consults as needed with DHS regarding the corrective action plan submitted by the program. The program's DHS Certification corrective action plan, including applicable timeframes, may substitute for the STAR Suspension action plan. After the timeframe of the STAR Suspension action plan has ended, one of the following will occur:

- STAR Reinstatement - If the program meets the requirements of the STAR Suspension action plan, the ELRC reinstates the program's STAR by issuing a STAR Certificate with the

original expiration date, if applicable. If the original expiration date expired while the program was suspended, the ELRC will move the program to an active, No STAR Level and re-designate the program to the appropriate STAR Level.

- **STAR Removal** - If the program fails to implement, complete, and/or maintain a STAR Suspension action plan, the ELRC will remove the program from Keystone STARS based on the STAR Removal procedures.

## **STAR REMOVAL**

The ELRC will complete a STAR Removal (of all STARS) if any of the following conditions exist:

### **For DHS regulated programs in Keystone STARS:**

- The program closes
- DHS takes one of the following actions against the program's Certificate of Compliance:
  - Emergency Removal
  - Refusal to Renew
  - Revocation

### **For non-DHS regulated programs:**

- The program closes
- Head Start programs lose Federal Head Start funding
- Private academic programs lose their license from the Pennsylvania Department of Education
- 21<sup>st</sup> Century Community Learning Center loses its federal funding

**During the STAR Removal phase, all correspondence with the program should be in the form of a certified letter with return receipt.** The following steps apply to STAR Removal:

#### **1) Notification of STAR Removal**

Immediately after the program's STAR Removal is recorded in PELICAN-Keys to Quality, OCDEL will notify the ELRC to send to the program the "Notification of STAR Removal" letter. The ELRC will send this letter to the program within 3 business days of notification. In the letter, the ELRC will manually enter the effective STAR Removal date as it appears in PELICAN-Keys to Quality. If the program disputes the removal, it has 10 days from the mailing date of the removal notification letter to respond with a letter of disagreement to the ELR. Because the removal is effective before the mailing of the letter, the program's STAR Removal will continue to be in affect during the 10 day dispute time period.

#### **2) Further Notification**

If the program responds to the ELRC with a letter of disagreement regarding the removal, the ELRC will respond with one of the following letters as appropriate:

- "Notification of STAR Removal - Continuation" Letter - This letter is sent to the program if the ELRC finds cause for continuation with the STAR Removal after review of the program's letter of disagreement.

**-OR-**

- "Notification of STAR Reinstatement" Letter - This letter is sent to the program if the ELRC finds cause to restore the STAR designation after review of the program's letter of disagreement.

If the program files an appeal with Certification in regards to a Provisional Certificate, Emergency Removal, Refuse to Renew, or Revocation action, and continues to operate, the ELRC will proceed with STAR Removal pending the results of the appeal.

### **3) No STAR Level Designation Action**

The ELRC or OCDEL records the STAR Removal into PELICAN–Keys to Quality the day of being notified of the non-compliance. The program is designated as “No STAR Level.” If the ELRC cannot record the STAR Removal the day of being notified, the ELRC must inform OCDEL. The ELRC records the date the removal notification letter was sent to the program in the Location Contact Log section of PELICAN-Keys to Quality.

#### **EXCEPTIONS:**

The intent of STARS Status Review, Suspension, & Removal is to provide a consistent process for addressing noncompliance issues in Keystone STARS participating programs. In the event of circumstances not addressed in this document, please contact OCDEL for guidance.

### **NOTIFICATIONS AND APPEALS**

The ELRC will inform the program in writing of any action taken to the program’s STAR level designation. If the program disputes the action outlined in the notification letter, it has 10 days from the mailing date of the letter to respond with a letter of disagreement to the ELRC.

Appeals will be handled in accordance to 1 Pa. Code (§ 35.9, § 35.10, § 35.20, § 35.35, § 35.111, and § 35.112).

The program may appeal the ELRC’s final decision to OCDEL by submitting in writing a letter to:

Office of Child Development and Early Learning  
Pennsylvania Departments of Education and Human Services  
333 Market Street, 6<sup>th</sup> Floor  
Harrisburg, PA 17126

Attention: Bureau of ELRC Operations and Monitoring

If further action is necessary, the appeal will move to Bureau of Hearings and Appeals.

## RESOURCES AND RESTRICTIONS

During STARS Status Review, Suspension, & Removal the following restrictions and resources apply. A check mark (✓) indicates the resource is available to the program:

Resources/Restrictions	Under Review	Suspension
For Programs eligible for STARS Financial Awards	Eligibility resumes upon satisfactory completion of STARS Status Review	
Program posts STAR Certificate and advertises as a STARS program	✓	
For DHS Regulated programs eligible for tiered subsidy reimbursement (STAR 2 – STAR 4)	✓	
Program's STAR listed with COMPASS	✓	
Program has access to STARS Representative for help with Performance Standards	✓	✓
Program has access to STARS Quality Coaching	✓	✓
Program's Staff Prioritized for Vouchers/ Rising STARS Tuition Assistance & T.E.A.C.H.	✓	✓
Program has access to other special opportunities such as Early Childhood Mental Health Consultation, etc.	✓	✓
Program eligible to attend professional development opportunities	✓	✓