

## **EDUCATION DEPARTMENT[281]**

### **Adopted and Filed**

Pursuant to the authority of Iowa Code section 256.7(5), the State Board of Education hereby amends Chapter 64, “Child Development Coordinating Council,” Iowa Administrative Code.

These proposed amendments to the rules concerning the actions of the Child Development Coordinating Council are related to the proposed amendments concerning the “Shared Visions” program in 281—Chapter 67 (published herein as **ARC 1396C**). These corresponding amendments seek to change the parameters of the grant process and update the rules to reflect the new requirements in the program for awarding and maintaining grant status for those in the program.

An agencywide waiver provision is provided in 281—Chapter 4.

Notice of Intended Action was published in the April 3, 2014, Iowa Administrative Code as ARC #1394C. A public hearing was held on April 22, 2014, with three in attendance. Five written comments were also received. Some comments mistakenly thought that this required grant submission on an annual basis. Other comments received included overall support for the program, concerns about both entry into and stability within the grant process, concerns about the National Association for the Education of Young Children requirements (which are part of the underlying law) and suggestions about potential revisions for compliance with program requirements.

These amendments are the same as those published under Notice, except for two revisions based upon comment in the hearing process and in the Notice stage from the Administrative Rules Review Committee (ARRC). The changes include reversion

language under 281---64.18 based upon comment as well as returning to status quo concerning a 45-day notification requirement, requested by the ARRC. The last sentence of that notification requirement is repetitive with other proposed changes so that remains stricken under 281---64.14.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments shall become effective on July 16, 2014.

These amendments are intended to implement Iowa Code chapters 256A and 279.

The following amendments are adopted.

ITEM 1. Amend rule 281—64.6(256A,279) as follows:

**281—64.6(256A,279) Eligibility identification procedures.** In a year in which funds are made available by the Iowa legislature, the council shall grant awards to child development programs for at-risk three- and four-year-old children and public school child development programs for at-risk three-, four-, and five-year-old children on a competitive basis. Competitive grants will be awarded with a renewal option for up to five years when grantees meet program requirements. If program requirements are not met, the department may discontinue grant funding at the start of the following fiscal year.

ITEM 2. Amend subrule 64.9(1) as follows:

**64.9(1) Criteria points.** The following information shall be provided and points shall be awarded to applicants based on the following criteria as stated in the request for proposal:

1. Provision of a comprehensive child development program.
2. Limited class size.

3. ~~Limited pupil-teacher~~ Child-teacher ratios of not less than one staff member per eight children.

4. Provision of parental involvement.
5. Demonstration of community support.
6. Utilization of services provided by other community agencies.
7. Use of qualified teachers.
8. Existence of a plan for program evaluation including, but not limited to, measurement of student outcomes.
9. Developmentally appropriate practices.

ITEM 3. Amend rule 281—64.10(256A,279) as follows:

**281—64.10(256A,279) Application process.** The council shall advise the department to announce through public notice the opening of an application period.

ITEM 4. Amend rule 281—64.11(256A,279) as follows:

**281—64.11(256A,279) Request for proposals.** Applications for the child development grants and public school grants shall be distributed by the department upon request.

~~The request for proposal for public school grants for at-risk three-, four-, and five-year-old children shall document all day, everyday kindergarten to serve at-risk five-year-old children, which may be a part-day combination of three- to five-year-old at-risk children.~~

Proposals not containing the specified information or not received by the specified date may not be considered.

All applications shall be submitted in accordance with instructions in the requests for

proposals. The proposals shall be submitted to the department.

ITEM 5. Amend subrule 64.12(4) as follows:

**64.12(4)** The council shall advise the department to notify successful applicants and shall provide to each of them a contract for signature. ~~This contract shall be signed by an official with authority to bind the applicant and shall be returned to the council prior to the award of any funds under this program.~~

ITEM 6. ~~Rescind and reserve~~ Amend rule **281—64.14(256A,279)**.

**281---64.14 (256A.279) Notification of applicants.** Applicants shall be notified within 45 days following the due date for receipt of proposals as to whether their request shall be funded. ~~Funds for grants approved by the council shall be awarded through a contract entered into by the department and the applicant.~~

ITEM 7. Amend rule 281—64.15(256A,279) as follows:

**281—64.15(256A,279) Grantee responsibilities.**

**64.15(1)** The grantee shall maintain records which include but are not limited to:

- a. Information on children and families served.
- b. Direct services provided to children.
- c. Record of expenditures.
- d. Other appropriate information specified by the council necessary to the overall

evaluation.

Monitoring of such records will be conducted through the submission of annual reports by the grantee and may include on-site review as determined necessary by the department.

~~64.15(2) Continuation programs shall participate in the Self-Study and Accreditation Program of the National Academy of Early Childhood Programs. Programs shall have two years from the date of initial funding to complete the self-study process. Programs shall have three years from the date of initial funding to attain accreditation. Programs unable to attain accreditation by the end of the three-year period may apply for a waiver of accreditation by March 15 of the third year. Waivers shall be awarded at the discretion of the council. Programs not attaining accreditation or not receiving a waiver of accreditation will be terminated.~~ New/expansion programs shall participate in the accreditation process of the National Association for the Education of Young Children during the programs' first year of funding. New/expansion programs shall be granted a waiver of accreditation during their first year of funding and must attain accreditation during their second year of funding. Programs not able to attain accreditation during their second year may apply for a waiver of accreditation by March 15 of the current fiscal year. Waivers shall be granted at the discretion of the council. Programs that do not attain accreditation or that do not receive a waiver will not be funded.

~~64.15(3) New/expansion programs shall participate in the Self-Study and Accreditation Program of the National Academy of Early Childhood Programs during their first year of council funding. New/expansion programs shall be granted a waiver of accreditation during their first year of funding. New/expansion programs must complete self-study and attain accreditation during their second year of funding. Programs not able to attain accreditation during their second year may apply for a waiver of accreditation by March 15 of the current fiscal year. Waivers shall be granted at the discretion of the council. Programs not attaining accreditation or not receiving waivers will be~~

~~terminated.~~ Continuation programs shall participate in the renewal process and maintain accreditation with the National Association for the Education of Young Children.

Programs unable to maintain accreditation may apply for a waiver of accreditation.

Waivers shall be awarded at the discretion of the council. Programs that do not maintain accreditation or that do not receive a waiver will not be funded.

**64.15(4)** Grantees shall provide ~~quarterly~~ annual reports that include information detailing progress toward goals and objectives, expenditures and services provided on forms provided for those reports. Failure to submit reports by the due date shall result in suspension of financial payments to the grantee until the time that the report is received. No new awards shall be made for continuation programs ~~where~~ when there are delinquent reports from prior grants.

**64.15(5)** No change.

ITEM 8. Amend rule 281—64.18(256A,279) as follows:

**281—64.18(256A,279) Contract revisions and budget reversions.** The grantee shall immediately inform the department of any revisions in the project budget. The department and the grantee may negotiate a revision to the contract to allow for expansion or modification of services but shall not increase the total amount of the grant. The council ~~shall approve~~ may advise the department regarding revised contracts if the revision is in excess of 10 percent of a budget category. Grantees who revert 3 percent or more of their program budget at the end of the ~~1998~~ budget year, ~~and every budget year thereafter,~~ will have that dollar amount permanently deducted from all subsequent grant awards.

ITEM 9. Amend rule 281—64.20(256A,279) as follows:

**281—64.20(256A,279) Termination for cause.** The contract may be terminated in whole or in part at any time before the date of completion, whenever it is determined by the council that the grantee has failed to comply substantially with the conditions of the contract. The grantee shall be notified in writing by the department of the reasons for the termination and the effective date. The grantee shall not incur new obligations for the terminated portion after the effective date of termination and shall cancel as many outstanding obligations as possible.

The department shall administer the child development grants and public school grants contingent upon their availability. If there is a lack of funds necessary to fulfill the fiscal responsibility of the child development grants and the public school grants, the contracts shall be terminated or renegotiated. The council may terminate or renegotiate a contract upon 30 days' notice when there is a reduction of funds by executive order.

The contract may be terminated in whole or in part by June 30 of the current fiscal year in the event that the grantee has not attained accreditation by the National ~~Academy of Early Childhood Programs~~ Association for the Education of Young Children or has not been awarded a waiver of accreditation by the council.