IOWA DEPARTMENT OF EDUCATION

In re K-3 Innovative Grant	:	
Cedar Rapids Community School District,	:	**DECISION**
Petitioner,	:	
vs.	:	
Iowa Department of Education,	:	[Admin. Doc. #5050]
Respondent.	:	

The above-captioned matter was heard telephonically on October 13, 2016, before Director Ryan M. Wise. The Petitioner, Cedar Rapids Community School District ("District") was represented by Val Dolezal ("Ms. Dolezal"), who is the Executive Director for PK-5, and Dr. Brad Buck, Superintendent. The Department's Division of Learning and Results ("DLR") was represented by attorney Thomas Mayes. Destiny Eldridge ("Ms. Eldridge"), an Education Program Consultant, testified on behalf of DLR. Also present was Erika Cook, a Bureau Chief for DLR and Nicole M. Proesch, Legal Counsel for the Office of the Director.

The District operates a program for at risk elementary students at Taylor Elementary School ("Taylor") in Cedar Rapids, Iowa through a competitive grant. The program currently provides additional resources for small group instruction in both reading and math in grades K-3. The K-3 Innovative Program Grants ("K-3 Grant") is a grant program available to eligible Iowa public elementary school applicants in a year which funds are appropriated by the Iowa Legislature and are awarded through a competitive grant process. Iowa Administrative Code 281—7 governs criteria for grants and the grant application process.

At issue in this appeal is the Department's denial of the District's application for a K-3 Grant for Taylor after the competitive grant process. The parties both presented evidence and testimony at the hearing. There were no objections to any exhibits by either side.

FINDINGS OF FACT

On or about June 3, 2016 the Application for the K-3 Grant was available on the Iowa Department of Education's Website. The purpose of the K-3 Grant is to provide funds to assist districts in addressing the needs of kindergarten through third grade students who are at risk of educational failure. Grant applications were due on June 30,

2016. Ms. Eldridge manages the K-3 grant process. Ms. Eldridge has been a consultant in the Department since the summer of 2016.

Taylor is one of the District's most at risk buildings in the district with at risk ranges from 51%-71% in grades K-5. They have been receiving the K-3 Grant since 2009 and it would be a substantial loss of services to these students. On June 30, 2016, which is the day grant applications were due, Taylor was transitioning from the old principal, Brian Christopherson ("Mr. Christopherson"), to a new principal, Andrea Scott ("Ms. Scott"). As a result of this transition Ms. Dolezal testified that the application for Taylor was as strong as it could have been. Ms. Scott worked with Mr. Christopherson to complete the application and turned it in on her first day working in the building and the final day for submission of the grant.

Subsequently, on August 18, 2016, the District received a letter notifying them that their grant application had been denied. Ms. Dolezal believes the transition and the confusion with the form contributed to the reasons that Taylor did not get the grant. Ms. Dolezal also testified that changes that were made to the application form from the previous year caused some confusion for Mr. Christopherson and Ms. Scott when they filled out the application for the 2016-2017 school year. The new form had different headers and asked for more data in a table format. Additionally, Ms. Scott told the Department when she submitted the application that she did not feel the document was as complete as it could be if she knew more information about the application. Ms. Dolezal testified that during the application process for the 2015-2016 school year, the Department reached out to the District and allowed them to submit additional information after the application deadline. The Department did not reach out to the District this year. The District would have liked the opportunity for help on the application this year as was done in the past.

The District also had three other elementary schools that applied for the K-3 Grant and were successful in being awarded the grant. All applicants including the other schools in the district completed the same revised application.

CONCLUSIONS OF LAW

Iowa Administrative Code rule 281—7.5, which governs grant appeals states in pertinent part:

> Appeals must be in writing and received within ten working days of the date of notice of decision and must be based on the contention that the process was conducted outside of statutory authority; violated state or federal law, policy, or rule; did not provide adequate public notice; was altered without adequate public notice; or involved a conflict of interest by staff or committee members.

Iowa Admin. Code r. 281—7.5 (emphasis added).

The District argues that the changes to the application from the 2015-2016 to 2016-2017 created confusion and were not reasonable changes for an individual who was new to the position and completing the application on the last day. However,

nowhere in the rule does it allow for an appeal of a grant denial on the basis that the applicant did not have adequate time to fill out the application. The rule here contemplates appeals on the basis that the Department did not provide adequate public notice of the grant application or that the Department did not provide adequate public notice that the grant application was altered. There was no evidence that the Department failed to do either here. In fact, the District has three other schools in the District that also applied for and received a grant award.

The District does not dispute that the grant application was "not as good as it could have been." In fact, the District acknowledges that the transition of principals in the school was a primary factor in the application not being selected. Although, they met the timeline for the application, the quality of the application was not as good as other grant applications. This is a competitive grant process and quality is a factor that must be weighed. However, the lack of quality in this instance was not because the Department did not provide adequate notice. It was because of the transition of principals and the failure to adequately plan to complete this application during that transition.

Thus, we find no issue with no violation of public notice requirements under the rule. The District's appeal of the denial of its grant application is therefore denied.

DECISION

For the foregoing reason, the appeal herein is DENIED. The District is encouraged to re-apply for funding at the next opportunity.

This decision is final agency action from which the Appellant may file a petition for judicial review pursuant to Iowa Code section 17A.19.

10-31-16
Date

Ryan M. Wise
Ryan M. Wise, Director
Iowa Department of Education