

CHAPTER 64
CHILD DEVELOPMENT COORDINATING COUNCIL

281—64.1(256A,279) Purpose. These rules structure the child development coordinating council, whose purpose is to promote the provision of services to three- and four-year-old children who are at risk and public school child development programs for three-, four-, and five-year-old children who are at risk. These rules also set forth the procedures and conditions under which state funds shall be made available to assist local child development programs for children who are at risk.

[ARC 3767C, IAB 4/25/18, effective 5/30/18]

281—64.2(256A,279) Definitions.

“*Applicant*” means a public or private nonprofit organization, licensed by the department of human services or approved by the department of education, which applies for the state child development funds.

“*Child development grants*” means the funds awarded by the council to assist child development programs.

“*Children who are at risk*” means a student who meets one or more of the primary and secondary risk factors stated in rules 281—64.7(256A,279) and 281—64.8(256A,279).

“*Council*” means the child development coordinating council.

“*Department*” means the department of education.

“*Grantee*” means the applicant designated to receive child development grants.

“*Low-income family*” means a family who meets the financial eligibility criteria for free and reduced price meals offered under the child nutrition program.

“*Project*” means the child development program for which grant funds are requested.

“*Public school applicant*” means a public school district approved by the department which applies for the state public school child development funds.

“*Public school child development grants*” means the funds awarded by the council to assist public school child development programs as established in Iowa Code section 279.51.

“*Public school grantee*” means the applicant designated to receive public school child development grants.

“*Public school project*” means the public school child development program for which grant funds are requested.

[ARC 3767C, IAB 4/25/18, effective 5/30/18; ARC 6980C, IAB 4/19/23, effective 5/24/23]

281—64.3(256A,279) Child development coordinating council. The council members shall be as provided in Iowa Code section 256A.2. The Iowa resident parent shall be chosen by the Iowa Head Start Association.

[ARC 3767C, IAB 4/25/18, effective 5/30/18]

281—64.4(256A,279) Procedures.

64.4(1) A quorum shall consist of two-thirds of the voting members.

64.4(2) When a quorum is present, a position shall pass when approved by a majority of voting members.

64.4(3) The council shall meet at least four times per year and may meet more often at the call of the chair or a majority of voting members.

64.4(4) The chairperson and vice-chair shall be elected by the council for a term of two years. After the initial two-year term as vice-chair, the vice-chair shall assume the role of chairperson for a term of two years.

[ARC 3767C, IAB 4/25/18, effective 5/30/18]

281—64.5(256A,279) Duties. The duties of the council shall be as provided in Iowa Code sections 256A.3 and 279.51.

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 on a competitive basis to child

development programs for three- and four-year-old children who are at risk and public school child development programs for three-, four-, and five-year-old children who are at risk. 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 council shall advise the department to discontinue grant funding at the start of the following fiscal year.

[ARC 1488C, IAB 6/11/14, effective 7/16/14; ARC 3767C, IAB 4/25/18, effective 5/30/18; ARC 6980C, IAB 4/19/23, effective 5/24/23]

281—64.7(256A,279) Primary eligibility.

64.7(1) *Child development grants.* At least 80 percent of the funded available enrollment slots for three- and four-year-old children who are at risk shall be directed to serve children in primary eligibility categories as follows:

- a. Children reaching three or four years of age on or before September 15 of the contract year; and
- b. Members of a low-income family.

64.7(2) *Public school child development grants.* At least 80 percent of the funded available enrollment for three-, four-, and five-year-old children who are at risk in public school child development programs shall be directed to serve children in primary eligibility categories as follows:

- a. Children reaching three, four, or five years of age on or before September 15 of the contract year; and
- b. Members of a low-income family.

64.7(3) *Enrollment criteria.* Applicants must document the number of children enrolled under primary eligibility and the criteria used for enrollment.

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281—64.8(256A,279) Secondary eligibility.

64.8(1) *Criteria.* Up to 20 percent of the available funded child development enrollment slots for at-risk may be filled by children who are three or four years of age on or before September 15 or public school enrollment slots by children who are three, four, or five years of age on or before September 15; are above the income eligibility guidelines provided that they are served on a sliding fee schedule determined at the local level; and are eligible according to one or more of the following criteria if the child:

1. Is functioning below chronological age in two or more developmental areas, one of which may be English proficiency, as determined by an appropriate professional;
2. Was born with one or more factors that are established as high risk for developmental delay, such as very low birth weight (under 1500 grams—approximately three pounds) or with conditions such as spina bifida, Down syndrome, or other genetic disorders;
3. Was born to a parent who was under the age of 18;
4. Resides in a household where one or more of the parents or guardians:
 - Has not completed high school;
 - Has a substance use disorder;
 - Has a chronic mental illness;
 - Has low literacy skills;
 - Is incarcerated; or
 - Has a history of child or spousal abuse; or
5. Has other special circumstances, such as foster care or being homeless.

The program may include children without risk factors, provided they are at full pay and meet other age requirements.

64.8(2) *Enrollment criteria.* Applicants must document the number of children enrolled under secondary eligibility and the criteria used for enrollment.

[ARC 6980C, IAB 4/19/23, effective 5/24/23]

281—64.9(256A,279) Grant awards criteria.

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. 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.

64.9(2) Additional grant components. The following information shall be provided and points shall be awarded to applicants based on the following additional components.

1. Program summary.
2. Research documentation.
3. Identification and documentation of local populations who are at risk.
4. Letters of community support.
5. Program budget (administrative costs not to exceed 10 percent of total award).

[ARC 1488C, IAB 6/11/14, effective 7/16/14; ARC 3767C, IAB 4/25/18, effective 5/30/18]

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

[ARC 1488C, IAB 6/11/14, effective 7/16/14]

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. 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.

[ARC 1488C, IAB 6/11/14, effective 7/16/14]

281—64.12(256A,279) Grant process.

64.12(1) An applicant shall make formal response using forms issued and procedures established by the council.

64.12(2) A rating team shall review and rank the proposals and shall be composed of persons with expertise in child development programs and fiscal management experience.

64.12(3) The council shall have the final discretion to award funds.

64.12(4) The council shall advise the department to notify successful applicants and to provide to each of them a contract for signature.

[ARC 1488C, IAB 6/11/14, effective 7/16/14]

281—64.13(256A,279) Award contracts. Rescinded ARC 6980C, IAB 4/19/23, effective 5/24/23.

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.

[ARC 1488C, IAB 6/11/14, effective 7/16/14]

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 budget, including expenditures. Grant funding is to support direct services to children to the fullest extent possible. Administrative costs under these programs shall be limited to 10 percent of the total award.

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) Programs in year one of award. Each program in year one of a grant shall meet the program standards and accreditation criteria of the National Association for the Education of Young Children, the Iowa quality preschool program standards, or other approved program standards as determined by the department during the program's first year of funding. Programs that do not attain accreditation or that do not receive a waiver will not be funded.

64.15(3) Programs in renewal years.

a. Programs shall participate in the renewal process and maintain accreditation with the National Association for the Education of Young Children, the Iowa quality preschool program standards and criteria, or other approved program standards as determined by the department. Programs unable to maintain accreditation may apply for a waiver of accreditation within 30 days of the change in accreditation status. 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.

b. Continuation of a grantee's participation for a second or subsequent renewal year is subject to the approval of the department based upon the grantee's compliance with program requirements and the department's review of the grantee's implementation of the grant program.

c. Awarded grantees are to maintain the program standards identified in the awarded application throughout the five-year grant cycle, unless unforeseen circumstances occur. Such circumstances will be considered at the discretion of the council.

64.15(4) Grantees shall provide 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 funds shall be made available to programs in renewal years when there are delinquent reports from prior years. No new initial awards shall be made to programs when there are delinquent reports from prior grant cycles.

64.15(5) Grantees may direct the use of moneys received to serve any qualifying child ranging in age from three years old to five years old, regardless of the age of population indicated on the grant request in the grantee's initial year of application. A grantee is encouraged to consider the degree to which the program complements existing local programs and services for three-year-old, four-year-old, and five-year-old children who are at risk, including other child care and preschool services, services provided through a school district, and services available through an area education agency.

[ARC 9904B, IAB 12/14/11, effective 1/18/12; ARC 1488C, IAB 6/11/14, effective 7/16/14; ARC 3767C, IAB 4/25/18, effective 5/30/18; ARC 6980C, IAB 4/19/23, effective 5/24/23]

281—64.16(256A,279) Withdrawal of contract offer. If the applicant and the department are unable to successfully negotiate a contract, the council may withdraw the award offer.

281—64.17(256A,279) Evaluation. The grantee shall cooperate with the council and provide requested information to determine how well the goals and objectives of the project are being met.

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. Grant funds unencumbered or unobligated at the conclusion of the program period will revert to the department. The program period concludes at the end of the five-year grant cycle, if an annual renewal grant within the five-year grant cycle is not awarded, or at any time the grant is discontinued during the five-year grant cycle.

[ARC 1488C, IAB 6/11/14, effective 7/16/14; ARC 6980C, IAB 4/19/23, effective 5/24/23]

281—64.19(256A,279) Termination for convenience. The contract may be terminated in whole or in part when both parties agree that the continuation of the project would not produce beneficial results commensurate with the future expenditure of funds. The parties shall agree upon the termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated. The grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible.

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 department 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 of the program standards identified in the awarded application or has not been awarded a waiver of accreditation by the council.

[ARC 1488C, IAB 6/11/14, effective 7/16/14; ARC 6980C, IAB 4/19/23, effective 5/24/23]

281—64.21(256A,279) Responsibility of grantee at termination. Within 45 days of the termination, the grantee shall supply the department with a financial statement detailing all costs up to the effective date of the termination. If the grantee expends money for other than specified budget items approved by the council, the grantee shall return moneys for unapproved expenditures.

281—64.22(256A,279) Appeal from terminations. Any agency or public school aggrieved by a unilateral termination of a contract pursuant to 281—64.20(256A,279) may appeal the decision to the director of the department in writing within 30 days of the decision to terminate. The hearing procedures found at 281—Chapter 6 shall be applicable to appeals of terminated grantees, except that 281—subrules 6.10(3) and 6.10(4) and rules 281—6.11(290) and 281—6.12(290) do not apply to decisions of the director.

In the notice of appeal, the grantee shall give a short and plain statement of the reason for the appeal.

The director shall issue a decision within a reasonable time, not to exceed 120 days from the date of the hearing.

281—64.23(256A,279) Refusal to issue ruling. The director may refuse to issue a ruling or decision upon an appeal for good cause. Good cause includes, but is not limited to, the following reasons:

1. The appeal is untimely;
2. The appellant lacks standing to appeal;
3. The appeal is not in the required form or is based upon frivolous grounds;
4. The appeal is moot because the issues raised in the notice of appeal or at the hearing have been settled by the parties;
5. The termination of the grant was beyond the control of the department because it was due to lack of funds available for the contract.

281—64.24(256A,279) Request for Reconsideration. An applicant who has not been approved for funding may file a Request for Reconsideration with the director of the department in writing within ten days of the decision to decline to award a grant. In order to be considered by the director, the Request for Reconsideration shall be based upon one of the following grounds:

1. The decision process was conducted in violation of statute or rule;

2. The decision violates state or federal law, policy, or rule (to be cited in the Request);
3. The decision process involved a conflict of interest.

Within 20 days of filing a Request for Reconsideration, the requester shall submit all written documentation, evidence, or argument in support of the request. The director shall notify the child development coordinating council of the request and shall provide the council an opportunity to defend its decision with written documentation, evidence, or argument, which shall be submitted within 20 days of receipt of the request. The council shall provide copies of all documents to the requester at the time the items are submitted to the director.

The director shall issue a decision granting or denying the Request for Reconsideration within 30 days of the receipt of the evidence, or no later than 60 days from the date of Request for Reconsideration, unless a later date is agreeable to the requester and the council.

[ARC 6980C, IAB 4/19/23, effective 5/24/23]

281—64.25(256A,279) Refusal to issue decision on request. The director may refuse to issue a decision on a Request for Reconsideration upon good cause. Good cause includes, but is not limited to, the following reasons:

1. The request was untimely;
2. The requester lacks standing to seek reconsideration;
3. The request is not based on any of the available grounds in rule 281—64.22(256A,279), or is merely frivolous or vexatious;
4. The requester failed to provide documentation, evidence or argument in support of its request;
5. The request is moot due to negotiation and settlement of the issue(s).

281—64.26(256A,279) Granting a Request for Reconsideration. If the director grants a Request for Reconsideration, the council shall consider the grantee's application in accordance with the director's findings and decision.

These rules are intended to implement Iowa Code chapter 256A and section 279.51.

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