

CHAPTER 65  
INNOVATIVE PROGRAMS FOR AT-RISK EARLY ELEMENTARY STUDENTS

**281—65.1(279) Purpose.** These rules set forth procedures and conditions under which state funds shall be granted to public schools which provide innovative in-school programming.

**281—65.2(279) Definitions.**

“*Applicant*” means a public school that applies for the early elementary at-risk funds.

“*At-risk student*” means a student who meets one or more of the primary and secondary risk factors stated in rules 65.4(279) and 65.5(279).

“*Department*” means the department of education.

“*Early elementary grades*” means kindergarten through grade three.

“*Early elementary grants*” means the funds awarded by the department to assist at-risk early elementary school programs.

“*Grantee*” means the applicant designated to receive early elementary school grants.

“*Low-income family*” means a family who meets the current income eligibility guidelines for free and reduced price meals in a local school as documented in the year in which the application is made.

“*Project*” means the early education school program for which grant funds are requested.

**281—65.3(279) Eligibility identification procedures.** In a year in which funds are made available by the Iowa legislature, the department shall grant awards to applicants for early elementary grants on a competitive basis to those schools with a high percentage of low-income families. A priority shall be given to school programs which integrate at-risk children with the rest of the school population.

**281—65.4(279) Primary risk factor.** In identifying the at-risk population of a school district or building, the applicant shall give primary consideration to students in low-income families.

**281—65.5(279) Secondary risk factors.** In identifying the at-risk population of a school district or building, the applicant shall also give consideration to students who are:

1. Functioning below chronological age in two or more developmental areas, one of which may be English proficiency, as determined by an appropriate professional;
2. Born at biological risk, such as low birth weight (under 1500 grams—approximately three pounds) or with a diagnosed medical disorder, such as spina bifida or Down’s syndrome;
3. Born to a parent who was under the age of 18; or
4. Residing in a household where one or more of the parents or guardian:
  - Has not completed high school;
  - Has been identified as a substance abuser;
  - Has been identified as chronically mentally ill;
  - Is incarcerated;
  - Is illiterate; or
  - Is a child or spouse abuser.
5. Subject to other special circumstances, such as being in foster care or being homeless.

**281—65.6(279) Grant awards criteria.**

**65.6(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. Integration of at-risk children with the rest of the school population.
2. Limited class size.
3. Limited pupil-teacher ratios.
4. Provision of parental involvement.
5. Demonstration of community support.
6. Utilization of services provided by other community agencies.
7. Provision of appropriate guidance counseling services.

8. Use of teachers with an early childhood endorsement.
9. Innovation and comprehension in program design.
10. Existence of a plan for program evaluation including, but not limited to, measurement of student outcomes.

11. Developmentally appropriate practices.

**65.6(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 at-risk population.
4. Letters of community support.
5. Program budget (administrative costs not to exceed 10 percent of total award).

**281—65.7(279) Application process.** The department shall announce through public notice the opening of an application period.

**281—65.8(279) Request for proposals.** Applications for the early elementary grants shall be on forms provided by the department upon request.

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

**281—65.9(279) Grant process.**

**65.9(1)** An applicant shall make formal response using forms issued and procedures established by the department.

**65.9(2)** A rating team comprised of persons with expertise in early elementary school programs, understanding of the at-risk population, and fiscal management shall review and rank the proposals.

**65.9(3)** Additional weighting not to exceed 30 percent of the total grant points shall be given to applicant buildings based on the percentage of low-income families within each district-size category. The weighting points shall be based on the free and reduced price lunch percentage of the individual applicant building or of the district, whichever is higher.

**65.9(4)** The department shall have the final discretion to award funds. The decision to renew existing grants or instead to reopen the entire grant process rests with the department.

**65.9(5)** New program requests may be funded up to \$200,000 per building or up to \$1,000 per K-3 child in buildings with K-3 enrollment of less than 200.

**65.9(6)** Grants will be funded in each of the following three district-size categories for the innovative grants, if acceptable application is made and the proposed program meets all other criteria:

- small (fewer than 1,199 district enrollment)
- medium (1,200—5,000 district enrollment)
- large (5,001 and more district enrollment)

Additional programs may be funded within each category depending upon available funds and requests.

**65.9(7)** Rescinded IAB 5/11/94, effective 6/15/94.

**281—65.10(279) Award contracts.** Rescinded IAB 12/12/90, effective 11/21/90.

**281—65.11(279) Notification of applicants.** Applicants shall be notified of the department's decision within 45 days of the deadline for applications. Successful applicants will be requested to have an official with vested authority sign a contract with the department.

**281—65.12(279) Grantee responsibilities.** The grantee shall maintain records which include, but are not limited to:

1. Information on children served,
2. Direct services provided to children,

3. Record of expenditures,
4. Overall program goals, and
5. Other appropriate information specified by the department necessary to the overall evaluation.

Grantees shall complete a year-end report on forms provided by the department documenting the above information. No new awards shall be made for continuation of programs where there are delinquent reports from prior grants.

**281—65.13(279) Withdrawal of contract offer.** If the applicant and the department are unable to successfully negotiate a contract, the department may withdraw the award offer.

**281—65.14(279) Evaluation.** The grantee shall cooperate with the department and provide requested information to determine how well the goals and objectives of the project are being met.

**281—65.15(279) Contract revisions.** The grantee shall obtain the approval of the department for any revisions in the project budget, in excess of 10 percent of a line item provided the revisions do not increase the total amount of the grant.

**281—65.16(279) Termination for convenience.** The contract may be terminated, in whole or in part, upon agreement of both parties. The parties shall agree upon the termination conditions, including the effective date, and in the case of partial termination, the portion to be terminated. 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.

**281—65.17(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 department 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 early elementary school grants contingent upon their availability. If there is a lack of funds necessary to fulfill the fiscal responsibility of the early elementary 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.

**281—65.18(279) Responsibility of grantee at termination.** Within 45 days of the effective date of termination, the grantee shall supply the department with a financial statement detailing all program expenditures up to the effective date of the termination. The grantee shall be solely responsible for all expenditures after the effective date of termination.

**281—65.19(279) Appeals from terminations.** Any grantee aggrieved by a unilateral termination of a contract pursuant to 65.17(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 IAC 6 shall be applicable to appeals of terminated grantees.

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 hearing.

**281—65.20(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—65.21(279) Requests for Reconsideration.** A disappointed 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 shall be based upon one of the following grounds:

1. The decision process was conducted in violation of statute or rule;
2. The decision violated 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 department of the request and shall provide the department an opportunity to defend its decision by submitting written documentation, evidence, or argument within 20 days of receipt of the request. The department 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 department.

**281—65.22(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 above, 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—65.23(279) Granting a Request for Reconsideration.** If the director grants a Request for Reconsideration, the department shall reconsider the grantee's application in accordance with the director's findings and decision.

These rules are intended to implement Iowa Code section 279.51.

[Filed emergency 1/5/90 after Notice 11/1/89—published 1/24/90, effective 1/5/90]

[Filed emergency 11/21/90—published 12/12/90, effective 11/21/90]

[Filed 4/15/94, Notice 3/2/94—published 5/11/94, effective 6/15/94]