

Iowa State Board of Education

Executive Summary

January 12, 2023



Agenda Item:

Rules: Chapters 64 & 67 – Child Development Coordinating Council (Notice)

State Board Priority:

Creating a Safe, Healthy, and Welcoming Learning Environment

State Board Role/Authority:

The State Board has the authority to adopt these rules pursuant to Iowa Code section 256.7(5).

Presenter(s):

Thomas A. Mayes, Attorney
Kimberly Villotti, Bureau Chief

Attachment(s):

One

Recommendation:

The Department recommends the State Board give notice of its intent to adopt these amendments to Chapters 64 and 67.

Background:

After a review of these two rules chapters, the Department proposes this rule making, which rule making provides greater flexibility for grantee uses of funds, repeals obsolete language, uses preferred “person first” language, and makes changes to align the rules with the underlying Code section (such as the respective authority between the Department and the Child Development Coordinating Council).

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to amend Chapter 64, “Child Development Coordinating Council,” and Chapter 67, “Educational Support Programs for Parents of At-Risk Children Aged Birth Through Five Years,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 279.51(4).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 279.51.

Purpose and Summary

After a review of these two rules chapters, the Department proposes this rule making, which rule making provides greater flexibility for grantee uses of funds, repeals obsolete language, uses preferred “person first” language, and makes changes to align the rules with the underlying Code section (such as the respective authority between the Department and the Child Development Coordinating Council).

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

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

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the State Board no later than 4:30 p.m. on February 28, 2023. Comments should be directed to:

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Des Moines, Iowa 50319-0416
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Fax: 515.242.5988
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Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1) “b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule **281—64.2(256A,279)**, definition of “low-income family,” as follows:

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

ITEM 2. 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 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 ~~may to~~ discontinue grant funding at the start of the following fiscal year.

ITEM 3. Amend subrule 64.8(1), as follows:

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 is established as high risk for developmental delay ~~at biological risk~~, such as low birth weight (under 1500 grams—approximately three pounds) or with a ~~diagnosed medical disorder~~, conditions such as spina bifida, ~~or Down's syndrome~~, or Down's syndrome, or other genetic disorders;
3. Was born to a parent who was under the age of 18; or
4. Resides in a household where one or more of the parents or ~~guardian~~ guardians:

Has not completed high school;

Has ~~been identified as a substance use disorder abuser;~~

Has ~~been identified as a chronic mental illness~~ chronically mentally ill;

~~Is illiterate~~ Has low literacy skills;

Is incarcerated; or

~~Is a child or spouse abuser~~ Has a history of child or spousal abuse.

5. Has other special circumstances, such as foster care or being homeless.

The program may include children without risk factors ~~not at risk~~, provided they are at full pay and meet other age requirements.

ITEM 4. Rescind and reserve rule **281—64.13(256A,279)**.

ITEM 5. Amend paragraph **64.15(1)“c”** as follows:

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 cannot exceed 10 percent of the total award.

ITEM 6. Amend subrule 64.15(2) as follows:

64.15(2) Programs in year one of award. Each program in year one of a grant ~~awarded on or after July 1, 2015,~~ 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.

ITEM 7. Amend subrule 64.15(3) as follows:

64.15(3) Programs in renewal years.

~~a. — Programs awarded grants prior to July 1, 2015, shall participate in the renewal process and maintain accreditation with the National Association for the Education of Young Children until the end of the final renewal year. 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 a.~~ Programs awarded grants on or after July 1, 2015, 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~~ will 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.

~~e 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.

~~d 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.

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 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 budget year will have that dollar amount permanently deducted from all subsequent grant awards.~~ 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.

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~~ 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 by the National Association for the Education of Young Children~~ or has not been awarded a waiver of accreditation by the council.

ITEM 10. Amend rule 281—64.24(256A,279), introductory paragraph, as follows:

281—64.24 (256A,279) Request for Reconsideration. ~~A disappointed~~ An applicant who has not been approved for funding may file a Request for Reconsideration with the director of the department in writing within 10 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:

ITEM 11. Amend **281—Chapter 67**, title, as follows:

EDUCATIONAL SUPPORT PROGRAMS FOR PARENTS
OF ~~AT-RISK~~ CHILDREN AGED BIRTH THROUGH FIVE YEARS WHO ARE AT-RISK

ITEM 12. Amend rule 281—67.1(279) as follows:

281—67.1 (279) Purpose. These rules set forth procedures and conditions under which state funds shall be granted to school districts, area education agencies or other agencies which administer quality educational support services to parents of ~~at-risk~~ children aged birth through five years who are at risk.

ITEM 13. Amend rule **281—67.2(279)**, definition of “applicant,” as follows:

“*Applicant*” means a public school district, area education agency or an agency which applies for the funds to provide quality educational support programs to parents of ~~at-risk~~ children aged birth through five years who are at risk, with an emphasis on parents of children aged birth through three years.

ITEM 14. Amend rule **281—67.2(279)**, definition of “at-risk children,” as follows, and reorder the definitions accordingly:

~~“At-risk children~~ Children who are at risk” means children birth through age five who are at risk because of physical or environmental influence.

ITEM 15. Amend rule **281—67.2(279)**, definition of “grantee,” as follows:

“*Grantee*” means the applicant designated to receive the grants for educational support services to parents of ~~at-risk~~ children aged birth through five years who are at risk.

ITEM 16. Rescind the definition of “Early intervention interagency council” in rule **281—67.2(279)**.

ITEM 17. Amend rule 281—67.3(279) as follows:

281—67.3(279) Eligibility identification procedures. In a year in which funds are made available by the Iowa legislature, the ~~department~~ council shall grant awards to applicants for the provision of educational support services to parents of ~~at-risk~~ children aged birth through five years who are at risk, with priority to applicants that serve parents of ~~at-risk~~ children aged birth through three years who are at risk. Funds shall be made available on a competitive basis to schools or nonprofit agencies demonstrating an ability to provide quality educational support services to parents of ~~at-risk~~ children aged birth through five years who are at risk. Competitive grants will be awarded with a renewal option for up to five years contingent upon the awardee’s meeting program requirements. If program requirements are not met, the council shall advise the department ~~may to~~ discontinue grant funding at the start of the following fiscal year.

ITEM 18. Amend rule 281—67.4(279) as follows:

281—67.4(279) Eligibility. The available funds shall be directed to serve parents of ~~at-risk~~ children aged birth through five years who are at risk in the primary eligibility category as follows:

Parents having one or more children aged birth through five years who meet the current income eligibility guidelines for free and reduced price meals offered under the child nutrition

~~program in a local school or whose total income is, or is projected to be, equal to or less than 125 percent of the federally established poverty guidelines.~~

ITEM 19. Amend rule 281—67.5(279) as follows:

281—67.5(279) Secondary eligibility. The available funds shall be directed to serve parents of ~~at-risk~~ children aged birth through five years who are at risk when children qualify in one or more of the secondary eligibility categories as follows:

1. Children who are abused.
2. Children functioning below chronological age in two or more developmental areas, one of which may be English proficiency, as determined by an appropriate professional.
3. Children born with one or more factors that is established as high risk for developmental delay at biological risk, such as low birth weight (under 1500 grams—approximately three pounds) or conditions such as spina bifida, Down ~~Down's~~ syndrome, or other genetic disorders.
4. Children born to a parent who was under the age of 18.
5. Children residing in a household where one or more of the parents or ~~guardian~~ guardians:
 - Has not completed high school;
 - Has ~~been identified as a substance abuser~~ use disorder;
 - Has ~~been identified as chronically mentally ill~~ a chronic mental illness;
 - Is incarcerated;
 - ~~Is illiterate~~ Has low literacy skills;
 - ~~Is~~ Has a history of child abuser or spouse abuser spouse abuse; or
 - Is an English learner.

6. Children having other special circumstances, such as foster care or being homeless.

ITEM 20. Amend subrule 67.6(1), listed items 1 and 7, as follows:

1. Identification of parents of ~~at-risk~~ children who are at risk.

7. Program budget (administrative) costs not to exceed 10 percent of total award).

ITEM 21. Amend rule 281—67.7(279) as follows:

281—67.7(279) Application process. The council shall advise the department ~~shall~~ to announce through public notice the opening of an application period.

ITEM 22. Amend rule 281—67.8(279) as follows:

281—67.8(279) Request for proposals. Applications for grants for ~~the~~ educational support services to parents of ~~at-risk~~ children aged birth through five years who are at risk ~~grants~~ shall be distributed by the department upon request. Applications not containing the specified information or not received by the specified date may not be considered. All applications shall be submitted to the department in accordance with application instructions.

ITEM 23. Amend subrule 67.9(1) as follows:

67.9(1) Grants for educational support services to parents of ~~at-risk~~ children aged birth through five years who are at risk shall not supplant other existing funding sources.

ITEM 24. Amend rule 281—67.10(279) as follows:

281—67.10(279) Notification of applicants. The council shall advise the department to notify applicants ~~Applicants shall be notified of the department's decision to approve or disapprove the proposal within 45 days of the deadline for applications. Negotiations may be required. Successful applicants will be requested to have an official with vested authority sign a contract with the department.~~

ITEM 25. Amend rule 281—67.11(279), item 7, item 8, and final paragraph, as follows:

7. Record of expenditures and an annual audit. Grant funding is to support direct services to families and their children to the fullest extent possible.

8. Other information specified by the council ~~department~~ necessary to the overall evaluation.

Grantees shall complete a year-end report on forms provided by the department documenting the information outlined in this rule. ~~The final project report is due 30 days after the completion of the project as defined in the contract with the department.~~

ITEM 26. Amend rule 281—67.12(279) as follows:

281—67.12 (279) Withdrawal of contract offer. If the applicant and the department are unable to successfully negotiate a contract, the council ~~department~~ may withdraw the award offer.

ITEM 27. Amend rule 281—67.13(279) as follows:

281—67.13 (279) Evaluation. The grantee shall cooperate with the council ~~department~~ and provide requested information to determine how well the goals and objectives of the project are being met.

ITEM 28. Amend rule 281—67.14(279) as follows:

281—67.14(279) Contract revisions. 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 may advise the department regarding revised contracts if the revision is in excess of 10 percent of a budget category.~~ 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.

ITEM 29. Amend rule 281—67.16(279), first paragraph, as follows:

281—67.16 (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 ~~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.

ITEM 30. Amend rule 281—67.20(279), introductory paragraph, as follows:

281—67.20 (279) Request for Reconsideration. ~~A disappointed~~ An applicant who has not been approved for funding may file a Request for Reconsideration with the director of the department in writing within 10 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: