

BEFORE THE IOWA DEPARTMENT OF EDUCATION

(Cite as 29 D.o.E. App. Dec. 307)

In re Shared Visions Grant)	
Request for Reconsideration,)	
)	DOCKET # 5114
Cedar Rapids Community)	
School District,)	DECISION
)	
Applicant.)	

On March 12, 2020, the Iowa Department of Education received a request for reconsideration filed by the Cedar Rapids Community School District (“District”), seeking reconsideration of a decision by the Department to not fund Shared Visions grant requests for seven sites. The District alleged “violating a rule; conflict of interest by a staff or committee member.” The District further stated: “The fidelity of the scorer/reviewer(s) is at question due to the inconsistent points awarded across the grant but especially within the documentation of need.” After considering the record in light of the exacting standard for granting a request for reconsideration, I decline the request for reconsideration.

The rule governing reconsideration provides only three grounds for me to grant this request:

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.

Iowa Admin. Code r. 281-64.24 (in part); *see also id.* r. 281-7.5. Absent a finding of one of these three grounds, I am powerless to grant the District's request.

The District alleges a conflict of interest and a violation of some unnamed rule; however, when reduced to its essence, the District disagrees with the scores assigned to its unsuccessful applications by the teams that reviewed them. For example, the District complains that schools with a higher percentage of students in poverty got a slightly lower score on the section of the application for "Documentation of Need," ranging from sixty-three to sixty-nine points out of a possible seventy-two points.¹ In another example, the District complains that districts with identical professional development plans received differing scores, ranging from eight to eleven out of a possible twelve points on the "Staff Certification/Development Plan" section.² The District uses these and other examples to complain that the reviewer or reviewers was not applying the grant criteria with fidelity.

Violation of Rule/Fidelity

I have reviewed the process of the Child Development Coordinating Council and the Department in evaluating the applications for this competitive grant. Six persons with extensive background in child development were selected to score

¹ The Documentation of Need section is more than raw demographic data on child poverty; rather, it requires a "detailed analysis" of that need, a "detailed analysis" of "unmet needs and unserved children" in the proposed service area, and an analysis of factors contributing to high unmet needs in the proposed service area.

² The professional development plan is only four of a possible twelve points in this section.

applications. The Department staff provided the six reviewers with training and guidance on conducting the reviews, based on a detailed and publicly available scoring rubric. Teams of two reviewers read and scored each application, and individual scores “were analyzed for alignment of scores given,” including a “threshold of misalignment” procedure to assure “closely aligned scores.”

The Department has long approved grant scoring by trained scorers who have gone through calibration exercises. *Ames Cmty. Sch. Dist.*, 25 D.o.E. App. Dec. 171, 172-75 (2009) (Statewide Voluntary Preschool Program grant); *Des Moines Pub. Schs.*, 20 D.o.E. App. Dec. 17, 17 (2001) (Technology Literacy Challenge Fund). The process employed by the Department in this present case is a reasonable way to evaluate competitive grants. Slight differences in scoring between trained and calibrated scorers do not invalidate the process. As the Department noted in 2009,

Ames acknowledges that the readers used by the Department were appropriately trained and that the scoring rubric was clear and detailed. Thus, Ames is skeptical that the teams of readers could differ on points conferred. *But reasonable people can disagree.* When funding is inadequate, criteria must be implemented. Where numbers of applicants are large, teams of readers must be utilized. That does not mean that the process used by the Department in awarding SVPP grants was arbitrary or unreasonable. To the contrary, the process represented the Department’s good faith efforts to implement the statewide voluntary preschool grant program with fidelity to the Legislature’s intent.

Ames Cmty. Sch. Dist., 25 D.o.E. App. at 174-75 (emphasis added).

Nearly eleven years later, this principle remains sound. It governs and resolves the present case. The scores on the District’s unsuccessful applications were very close to the scores received by the successful applications. The range was 197 (not awarded)

to 201.5 (awarded), out of a total of 228. These slight scoring distinctions are, in the first instance, committed to the sound discretion of the trained and calibrated experts who served as scorers. The Department sees no evidence that the scores applied were not reasonable or that scorers were not scoring with fidelity. The fact that a different scorer might have given a slightly higher score, which also would have been reasonable, is immaterial. As such, the District has failed to satisfy the standard for me to reconsider the Department's decision.

Conflict of Interest

The District's allegation of some unnamed, unspecified conflict of interest also must be rejected. The District's position is, if I understand it correctly, the scores about which the District complains are, standing alone, evidence of a conflict of interest. This argument fails for two reasons. First, as noted above, reasonable reviewers could reasonably differ on scores to be awarded. *Ames Cmty. Sch. Dist.*, 25 D.o.E. App. at 174. Second, the Department's scoring process required the six reviewers to disclose personal and professional conflicts, in writing, before reading and scoring any grant application. All reviewers signed a confidentiality and conflict-of-interest statement. *See, e.g., Des Moines Pub. Schs.*, 20 D.o.E. App. Dec. at 17. A conflict of interest does not exist merely because an unsuccessful grant applicant is dissatisfied with a score. There being no evidence of a conflict of interest, there is no basis for reconsidering the Department's grant awards on this ground. *See Boys and Girls Club of Cedar Valley*, 27 D.o.E. App. Dec 805, 808 (2016) ("Furthermore, BGCCV provided no evidence to the contrary.") (21st Century Community Learning Centers grant).

Decision

I have considered all issues presented, whether or not discussed in this decision. The District's request for reconsideration is DENIED. The District is encouraged to re-apply at the next funding opportunity.

This decision is final agency action, from which the District may file a petition for judicial review under Iowa Code section 17A.19.

Dated May 11, 2020.



Ann Lebo
Director
Iowa Department of Education

Copies to: Child Development Coordinating Council
Cedar Rapids Community School District