

**IOWA DEPARTMENT
OF EDUCATION
(Cite as 25 D.o.E. App. Dec. 71)**

In re Appeal from Proposed Termination of Shared Visions Grant

Cardinal Community School District,	:	DECISION
Petitioner.	:	[Admin. Doc. 4673]

The above-captioned matter was heard in person on April 28, 2008, before Director Judy A. Jeffrey. The petitioner school district ["Cardinal"] was represented by elementary principal Kelly Phillips and preschool teacher Connie Lind. Also present were Dr. Penny Milburn, a department consultant who staffs the Child Development Coordinating Council and Carol J. Greta, legal counsel for the department.

Cardinal, whose superintendent of schools is Mr. Arnie Snook, operates a Shared Visions preschool. The Shared Visions preschool programs provide quality child development programs for high-risk children in about half of the counties in Iowa. Iowa Code chapter 256A and regulations in 281—Iowa Administrative Code chapter 64 govern the preschool programs. The Child Development Coordinating Council ["CDCC"] is the statutorily-created entity that regulates Shared Visions.

At issue in this appeal is the CDCC's proposed termination of Cardinal's Shared Visions grant for the 2008-09 school year. Cardinal has been a grantee since 1995; for the current school year, Cardinal received \$55,685¹ for its Shared Visions preschool program.

FINDINGS OF FACT

On August 1, 2006, Dr. Milburn sent an e-mail marked "high" importance to the Shared Visions listserv. The Shared Visions grantees each self-select a person or persons in their school districts to be on the listserv. Superintendent Snook listed himself as the sole point of contact for Cardinal; thus, he received the e-mail of August 1st. That communication informed the Shared Visions grantees of major changes in the program.

To receive a Shared Visions grant, the preschool programs must be accredited by the National Association for the Education of Young Children ["NAEYC"]. Dr. Milburn's e-mail informed the grantees that NAEYC has changed some of its requirements. The two *new* requirements at issue here, both clearly explained in the August 1st e-mail are as follows:

¹ Cardinal's grant amount was \$55,965. The department may withhold up to one percent (1%) for evaluation and professional development. The department withholds 0.5% for these purposes, leaving the amount actually sent to Cardinal of \$55,685.

1. Each grantee needed to be in possession of NAEYC's self-study materials by October 30, 2006, commence a self-study in November, 2006, and complete the self-study by November 1, 2007; and
2. Each grantee needed to participate in technical assistance offered by the department via the Iowa Communications Network (ICN).

There were seven discrete training sessions over the ICN, each covering a different aspect of how to meet NAEYC accreditation standards. All sessions were offered at least twice. Cardinal did not participate in any of the sessions, nor did the District order the self-study materials until at least one year after the deadline of October 30, 2006. [The District has begun the self-study but has completed only the first two steps.]

In addition to Cardinal's noncompliance with the new requirements enumerated above, Cardinal failed to file a timely annual report with NAEYC by July 31, 2007. NAEYC gave the District notice of this failure and notice of the consequence of losing NAEYC accreditation. Cardinal took no action, and NAEYC did terminate the District's accreditation.

On March 11, 2008, the CDCC held a special meeting to consider Cardinal's status as a Shared Visions grantee. The Council recommended to the undersigned that Cardinal's Shared Visions grant be terminated at the end of the current school year. Concurring with that recommendation, the undersigned send a letter on March 13, 2008, to Superintendent Snook to inform him of the termination decision.

CONCLUSIONS OF LAW

Cardinal does not dispute that NAEYC accreditation is the *sine qua non* for obtaining and maintaining a Shared Visions grant. See 281—*IAC 64.15(5, 6)*.

At the hearing before the undersigned, the representatives of the District admitted that Cardinal had allowed its NAEYC accreditation to lapse. It was clear from the statements of Mr. Phillips and Ms. Lind that Superintendent Snook assumed full responsibility for Cardinal's accreditation with NAEYC. Both of them stated that they tried on numerous occasions to address with Superintendent Snook the importance of being attentive to NAEYC requirements. For reasons known only to him, Superintendent Snook declined to delegate any of the NAEYC responsibilities to either Mr. Phillips or Ms. Lind. He repeatedly informed them that he would take care of the matter.

The statements of the District's representatives are wholly consistent with the CDCC's evidence. Dr. Milburn noted that Mr. Phillips expressed concern to her in February, 2008 that Cardinal was not keeping up its NAEYC accreditation. A few days after that, Dr. Milburn had a telephone call with Superintendent Snook in which he stated that he had failed to complete the NAEYC annual report due July 31, 2007 in a timely manner, and that NAEYC was refusing to allow him to file late. Dr. Milburn then informed Superintendent Snook that the CDCC would be asked to review the situation due to his failure to timely participate in both the required self-study and the technical assistance opportunities.

Ms Lind pointed out at the hearing before the undersigned that several preschoolers will now be disadvantaged by the termination of the Shared Visions grant. The department acknowledges that this is an extremely unfortunate consequence. The department also notes that the District's representatives who appeared before the undersigned did everything they could to try to prevent the lapse of Cardinal's accreditation with NAEYC.

However, the fact remains that Cardinal is not accredited by NAEYC, and such accreditation is a non-waivable requirement of maintaining a Shared Visions grant. Where the public's money is at stake, this department must adhere to the rules of play vigorously. The administration and board of directors of the District are urged to examine the accountability gaps exposed by this situation and to make changes accordingly. Cardinal is reminded that the deadline for applying for the state-funded preschool program under Iowa Code chapter 256C is May 9, 2008, should the District desire to apply for that program.

DECISION

For the foregoing reason, the appeal herein is **denied**. This decision is final agency action from which the Appellant may file a petition for judicial review pursuant to Iowa Code section 17A.19.

5/2/08
Date

Judy A. Jeffrey
Judy A. Jeffrey, Director