

BEFORE THE IOWA DEPARTMENT OF EDUCATION

CITE AS 29 D.o.E. App. Dec. 312

In re Shared Visions Grant	)	
Request for Reconsideration,	)	
	)	DOCKET # 5115
Community Action of	)	
Southeast Iowa,	)	DECISION
	)	
Applicant.	)	

On March 19, 2020, the Iowa Department of Education received a request for reconsideration filed by the Community Action of Southeast Iowa (“Applicant”), seeking reconsideration of a decision by the Department to not fund Shared Visions grant requests. 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 Applicant’s request.

The Applicant requests that “the scoring of our grants be re-evaluated for uniformity. It appears that the same sections in each grant were scored differently while containing similar content.” The Applicant gives two examples:

(1) one site was awarded fifty-four points (out of seventy-two possible points) in the “Documentation of Need” section, while another of its sites was awarded sixty points; and (2) one site was awarded twelve points (out of sixteen possible points) in the “Program and Classroom Information” section, while another of its sites was awarded all sixteen points.

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 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. I have reviewed the application texts provided by the Applicant and compared them with the Department's detailed scoring rubric. All of the scores were reasonable in light of the rubric. The fact that a different scorer might have given a slightly higher score, which also would have been reasonable, is immaterial. As such, the Applicant has failed to satisfy the standard for me to reconsider the Department's decision.

The Applicant also objects to the scores it received on the "Staff Certification/Development Plan" section of the rubric. The Staff Certification portion of the application seeks information about classroom teachers and assistant teachers, and is worth a maximum of eight points. The applicant asserts,

We are particularly concerned with the Staff Certification Section. We documented the staff that are currently in the classrooms. During the summer, we adjust positions to make sure we have the best balance and education in each classroom. In addition, Iowa having an employment at will policy, no program can determine who will be available to fill the positions. We do not have contract employees. We lost points in this section due to this situation.

The Applicant notes that it supports its employees in attaining further education and training, and that it adjusts staffing to meet student needs.

The rubric itself answers the Applicant's contentions. The rubric clearly contemplates that a grant applicant may not know who will staff particular sites or classrooms. Here is but one example from the rubric.

The teacher holds a minimum of a Bachelor's Degree and is licensed by the Iowa Board of Educational Examiners with an early childhood endorsement.

**OR**

*If the teacher is not yet identified for the program, there is evidence of a program policy stating this level of qualification is required upon hire.*

(Bold in original; italics added). The rubric contemplates situations, such as the Applicant's, where a program does not know which specific teachers will be assigned. I see no reason to reconsider the grant award, based on the scoring rubric or the scores applied.

#### *Decision*

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

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

Dated May 15, 2020.



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Ann Lebo  
Director  
Iowa Department of Education

Copies to: Child Development Coordinating Council  
Community Action of Southeast Iowa