

**IOWA STATE DEPARTMENT
OF EDUCATION**

(Cite as 13 D.o.E. App. Dec. 46)

In re Grant Denial	:	
Des Moines Public Schools	:	
Headstart Program,	:	
Appellant,	:	
v.	:	DECISION
Child Development	:	
Coordinating Council,	:	
Appellee.	:	[Adm. Doc. #3683]

The above-captioned matter was heard on December 18, 1995, before a hearing panel comprising Roger Stirlor, chief, Bureau of Internal Operations; Judge Brown, consultant, Bureau of School Administration and Accreditation; and Ann Marie Brick, J.D., legal consultant and designated administrative law judge, presiding. Appellant Des Moines Public Schools Headstart (Scavo) Program [hereinafter "the Center"] was present in the persons of Ms. Nancy Duey, Des Moines Public Schools Headstart Coordinator; Ms. Alice Ligouri, director of Scavo; and Ms. Myra Fain, program director. The Center was unrepresented by counsel. Appellee Child Development Coordinating Council [hereinafter, "the Council"] was represented by Ms. Donna Eggleston, Early Childhood consultant, Office of Educational Services for Children, Families, and Communities, also *pro se*.

The hearing was held pursuant to the authority of Iowa Code Chapter 256A (1995), and was conducted pursuant to the terms of 281--IAC 64.22.

On or about November 22, 1995, Appellant filed an affidavit of appeal regarding the notice it had received from the Council stating that program funds would be terminated as of December 31, 1995, because the Center had not received the required accreditation from National Academy of Early Childhood Program by November 3, 1995. The basis for this appeal was the fact that the Center's validation visit for NAECP accreditation had already occurred on October 27, 1995, and accreditation was expected to be received during the first week of December (before the termination of program funds).

**I.
FINDINGS OF FACT & CONCLUSIONS OF LAW**

The administrative law judge finds that she and the Director of the Department of Education have jurisdiction over the parties and subject matter of this appeal.

Iowa Code Chapter 256A establishes the "Child Development Coordinating Council." The Council is comprised of nine members who represent the various agencies or departments designated by the statute. The primary responsibility of the Council is to "promote the provision of child development services to at-risk three-year and four-year-old children." Iowa Code § 256A.2.

In order to promote a high standard of programming among its grantees, the Council has decided to condition the continued receipt of child development grants upon the grantees' attainment of accreditation by the National Academy of Early Childhood Programs [hereinafter "NAECP"]. 281--IAC 64.15(5). Grantees were notified as early as May 30, 1993, that they would have to be accredited by NAECP to be eligible for grant renewals in 1995. In addition, administrative rules were promulgated by the Council to provide guidance to the grantees. Pursuant to those rules, grantee responsibilities are listed in pertinent part as follows:

Continuation programs shall participate in the Self-study and Accreditation Program of the National Academy of Early Childhood Programs. Continuation programs not able to obtain accreditation by April 15, 1995, and every April thereafter, may apply for a waiver of accreditation by March 15, 1995, and every March thereafter. Waivers shall be awarded at the discretion of the Council. Programs not attaining accreditation or not receiving a waiver of accreditation will be terminated.

The Scavo Headstart Program is a continuation program that was unable to attain NAECP accreditation by the April 15, 1995, deadline.

On May 3, 1995, the Center received a **one-time** six-month waiver of accreditation with the warning that "[i]n the event that your program does not receive accreditation by November 3, 1995, your funding will be terminated by December 31, 1995, and you will cease operation under Council support at that time."

The validation visit from the National Academy of Early Childhood Programs did not occur until October 27, 1995. As a result, the NAECP Commission had not met and made a decision on accreditation for the Center by the November 3, 1995, deadline as required by the waiver. Verbally, however, the accreditation was promised. In the absence of any written evidence that the Academy had given accreditation to the Center, the Council proceeded to notify the Scavo Headstart Center of the termination as required by its regulations.

On the morning of this appeal hearing, which was held on December 18, 1995, representatives of the Center appeared and produced evidence of certification as received by the National

Academy of Early Childhood Programs on December 15, 1995. The letter from NAECP addressed to Alice Ligouri reads in part as follows:

Congratulations! It is with great pleasure that I inform you, the staff, and parents of your early childhood program, that your center has achieved accreditation by the National Academy of Early Childhood Programs. We know how much work the accreditation process represents. You are all to be congratulated for providing a high quality program for young children and their families.

Because the Center had completed its self-study and validation visit and had oral assurances of accreditation prior to the November 3, 1995, waiver deadline, we find that under the regulations of the Council, the program funds should not be terminated for this grantee.

Ms. Donna Eggleston representing the Council stipulated that it was the Council's desire to retract its letter of termination and continue to fund this program.

All motions or objections not previously ruled upon are hereby denied and overruled.

II. DECISION

For the foregoing reasons, the decision of the Child Development Coordinating Council to terminate funding for the Scavo Headstart Program is hereby recommended for reversal. There are no costs of this appeal to be assigned.

Date

Ann Marie Brick, J.D.
Administrative Law Judge

It is so ordered.

Date

Ted Stilwill
Director