

STATE BOARD OF COMMUNITY COLLEGES
Appeals for Award of the North Carolina Title II Adult Education and Family Literacy Act
(AEFLA) FY 2018-21 Competitive Grants

Request: The State Board is requested to approve the recommendations of the Appeal Review Panel for appeals from providers who were not awarded Title II competitive grant funds for fiscal years 2018-2021. The recommendations of the Appeal Review Panel respond to hearing requests from the following seven providers:

- Asheville-Buncombe Technical Community College Appeal for **243 Funding**
- Cape Fear Community College Appeal for **243 Funding**
- Forsyth Technical Community College Appeal for **231 Funding**
- Montgomery Community College Appeal for **231 Funding**
- Moore County Literacy Council Appeal for **231 Funding**
- Triangle Literacy Council Appeal for **243 Funding**
- Wilson Community College Appeal for **231 Funding**

The Review Panel members were as follows:

- Ms. Sandy Crist, State Director for Adult Education & High School Equivalency, Mississippi Community College Board (Review Panel Chair)
- Mr. Phillip Less, State Director for College and Career Readiness, Rhode Island
- Ms. Shannon Baker, Education Consultant, Special Populations, Civil Rights, and Equity, North Carolina Department of Public Instruction

The Appeal Hearings were held on December 4, 2018 and December 5, 2018 at the North Carolina Community College System Office in accordance with the Appeal Process as approved by the State Board.

Background: In July 2018, The State Board approved \$11,342,935 in funding for 63 eligible providers to provide adult education and literacy activities in accordance with the federal Workforce and Opportunity Act, Title II Adult Education and Family Literacy Act, Section 231 (231 Funding). In addition, the State Board approved funding for ten Integrated English Literacy and Civics Education (243 Funding) Programs in the amount of \$488,760.

The State Board also approved a temporary rule in July 2018 that allowed for an “Appeal Process for Award of the North Carolina Title II Adult Education and Family Literacy Act Fiscal Years 2018-2021 Competitive Grants.”

Time Period: Providers submitted appeals according to 1A SBCCC 400.3. Hearings for 231 funding, initially scheduled in August, were rescheduled due to an unavoidable withdrawal of one of the review panel members, with resulting limited time to find a suitable replacement. Hurricane Florence impacts

and additional challenges in securing qualified panel members extended the rescheduled Hearings for 231 funding to be combined with Hearings for 243 funding appeals to early December.

Contact:

Q. Shanté Martin, General Counsel

Dr. Lisa Chapman, Sr Vice President/Chief Academic Officer

**Review Panel
Recommendation for
Asheville-Buncombe
Tech CC**

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER BEFORE
THE NORTH CAROLINA STATE BOARD OF COMMUNITY COLLEGES

IN RE:) **REVIEW PANEL’S RECOMMENDATION**
)
Asheville Buncombe Tech)
Community College)
2018-2019 Adult Education and Family Act)
Grant 231)

December 5, 2018

Review Panel

- Sandy Crist, (Review Panel Chair) State Director for Adult Education and High School Equivalency, State of Mississippi,
- Dr. Philip Less, State Director Basic Adult Education and GED Programs, State of Rhode Island
- Shannon Baker, Education Consultant (Special Populations, Civil Rights, Equity), North Carolina Department of Public Instruction

Subchapter 400: Appeal Process for Award of the North Carolina Title II Adult Education and Family Literacy Act, Fiscal Years 2018-2021 Competitive Grants

1A SBCCC 400.2 Standards for Appeal

The sole grounds for appeal shall be:

- 1) Failure to follow the evaluation or award process;
- 2) Unlawful discrimination; or
- 3) Alleged bias.

The appealing party must expressly identify one of the grounds for appeal and provide a written explanation or other documentation to support the basis of appeal identified.

Asheville-Buncombe Technical Community College (A-B Tech) appealed the decision by the North Carolina Community College System, College and Career Readiness Section (NCCCS) and pursuant to 1A SBCCC 400.5, an informal hearing was held on December 5, 2018. The hearing provided an opportunity for A-B Tech and representatives from the NCCCS to present evidence to support or refute the grounds for the appeal. A-B Tech submitted an appeal based on the following grounds:

1. Failure to follow the evaluation or award process
2. Alleged bias in the decision

A-B Tech provided feedback of the application criteria and added additional information to support the application responses; however, additional information is not allowable based on the standards for appeal. A-B Tech alleged that inaccurate MSG and Post-Test rate information was provided to the reviewer which could have created bias against the application.

In response to the allegations presented by A-B Tech, NCCCS provided the following information:

1. In an effort to prevent bias during the review process, the following steps were implemented.
 - a. Application responses were divided into groups by topic (capacity and commitment, instructional practices, and service integration).
 - b. A group of three readers were assigned to each of these topics. Readers were selected because of their subject matter expertise in the particular area assigned. These readers independently reviewed and scored each response and then met as a group to arrive at consensus.
2. A consensus score was assigned and one set of comments were produced and agreed on by the group. The consensus score from each reader review team was added together to arrive at the final score.
3. NCCCS outlined the application process which all applicants were required to follow in order to be considered.
4. The word count limit was applicable to all grant applications, therefore the application for A-B Tech was not treated differently from other applicants.
5. MSG and Post-Test rate information was not provided to the reviewers by NCCCS and this information was not used in determining any points for A-B Tech.

In accordance with 1A SBCCC 400.5(f)(8), the review panel only considered the following factors for the basis of its recommendation:

- Request for Proposal (RFP),
- Appealing party's response to the RFP,
- Award decision,
- Appealing party's written appeal,
- College and Career Services Section's response to the written appeal, and
- Evidence provided at the informal hearing.

Based on the factors listed above, it is the recommendation of the panel that A-B Technical Community College has not provided sufficient evidence that NCCCS failed to follow the evaluation process. In addition, we received no evidence to establish NCCCS was biased against the appealing party in the award decision. Also noted, additional responses to specific questions in the grant application were not allowable based on the appeal process outlined in Subchapter 400.

Review Panel Recommendation for Cape Fear CC

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER BEFORE
THE NORTH CAROLINA STATE BOARD OF COMMUNITY COLLEGES

IN RE:) **REVIEW PANEL’S RECOMMENDATION**
)
Cape Fear Community College)
2018-2019 Adult Education and Family Act)
Grant 231)

December 5, 2018

Review Panel

- Sandy Crist, (Review Panel Chair) State Director for Adult Education and High School Equivalency, State of Mississippi,
- Dr. Philip Less, State Director Basic Adult Education and GED Programs, State of Rhode Island
- Shannon Baker, Education Consultant (Special Populations, Civil Rights, Equity), North Carolina Department of Public Instruction

Subchapter 400: Appeal Process for Award of the North Carolina Title II Adult Education and Family Literacy Act, Fiscal Years 2018-2021 Competitive Grants

1A SBCCC 400.2 Standards for Appeal

The sole grounds for appeal shall be:

- 1) Failure to follow the evaluation or award process;
- 2) Unlawful discrimination; or
- 3) Alleged bias.

The appealing party must expressly identify one of the grounds for appeal and provide a written explanation or other documentation to support the basis of appeal identified.

Cape Fear appealed the decision by the North Carolina Community College System, College and Career Readiness Section (NCCCS) and pursuant to 1A SBCCC 400.5, an informal hearing was held on December 5, 2018. The hearing provided an opportunity for Cape Fear and representatives from NCCCS to present evidence to support or refute the grounds for the appeal. Cape Fear submitted an appeal based on the following grounds:

1. Failure to follow the evaluation or award process.
2. Potential bias.

Cape Fear alleged the reviewer comments used in evaluating the 243 grant application did not align with the information provided in the grant application responses. Cape Fear stated the comments indicated “negligent evaluation.” Cape Fear inferred inaccurate MSG and Post-Test rate information used by the reviewers could have created bias against the application.

In response to the allegations presented by Cape Fear, NCCCS provided the following information from page 29 on the RFP:

1. In an effort to prevent bias during the review process, the following steps were implemented.
 - a. Application responses were divided into groups by topic (capacity and commitment, instructional practices, and service integration).
 - b. A group of three readers were assigned to each of these topics. Readers were selected because of their subject matter expertise in the particular area assigned. These readers independently reviewed and scored each response and then met as a group to arrive at consensus.
2. A consensus score was assigned and one set of comments were produced and agreed on by the group. The consensus score from each reader review team was added together to arrive at the final score.
3. The College and Career Services Section outlined the application process which all applicants were required to follow in order to be considered.
4. MSG and Post-Test rate information was not provided to the reviewers by the College and Career Services Section and this information was not used in determining any points for Cape Fear.

In accordance with 1A SBCCC 400.5(f)(8), the review panel only considered the following factors for the basis of its recommendation:

- Request for Proposal (RFP),
- Appealing party’s response to the RFP,
- Award decision,
- Appealing party’s written appeal,
- College and Career Services Section’s response to the written appeal, and
- Evidence provided at the informal hearing.

Based on the factors listed above, it is the recommendation of the panel that Cape Fear Community College has not provided sufficient evidence that NCCCS failed to follow the evaluation process. In addition, we received no evidence to establish NCCCS was biased against the appealing party in the award decision.

Review Panel Recommendation for Forsyth Tech CC

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER BEFORE
THE NORTH CAROLINA STATE BOARD OF COMMUNITY COLLEGES

IN RE:) **REVIEW PANEL’S RECOMMENDATION**
)
Forsyth Community College)
2018-2019 Adult Education and Family Act)
Grant 231)

December 5, 2018

Review Panel

- Sandy Crist, (Review Panel Chair) State Director for Adult Education and High School Equivalency, State of Mississippi
- Dr. Philip Less, State Director Basic Adult Education and GED Programs, State of Rhode Island
- Shannon Baker, Education Consultant (Special Populations, Civil Rights, Equity), North Carolina Department of Public Instruction

Subchapter 400: Appeal Process for Award of the North Carolina Title II Adult Education and Family Literacy Act, Fiscal Years 2018-2021 Competitive Grants

1A SBCCC 400.2 Standards for Appeal

The sole grounds for appeal shall be:

- 1) Failure to follow the evaluation or award process;
- 2) Unlawful discrimination; or
- 3) Alleged bias.

The appealing party must expressly identify one of the grounds for appeal and provide a written explanation or other documentation to support the basis of appeal identified.

Forsyth Technical Community College (FT) appealed the decision by the North Carolina Community College System, College and Career Readiness Section (NCCCS) and pursuant to 1A SBCCC 400.5, an informal hearing was held on December 4, 2018. The hearing provided an opportunity for FT and representatives from NCCCS to present evidence to support or refute the grounds for the appeal. FT submitted an appeal based on the following grounds:

1. Alleged bias: FT alleged bias for Consideration 13 based on comments from the reviewer.

2. Failure to follow the evaluation process: FT stated that the Table 4, Measurable Skills Gain found in the link to the 2017 MSG Report in the grant application was incorrect. FT performed an internal review of all data and found discrepancies to support inaccurate data. FT argued that the use of inaccurate data resulted in their application for funding being denied because they could have earned the points needed to be eligible for funding.

In response to the allegations presented by FT, the NCCCS provided the following information:

1. In an effort to prevent bias during the review process, the following steps were implemented.
 - a. Application responses were divided into groups by topic (capacity and commitment, instructional practices, and service integration).
 - b. A group of three readers were assigned to each of these topics. Readers were selected because of their subject matter expertise in the particular area assigned. These readers independently reviewed and scored each response and then met as a group to arrive at consensus.
 - c. A consensus score was assigned and one set of comments were produced and agreed on by the group. The consensus score from each reader review team was added together to arrive at the final score.
2. The data used in the RFP evaluation process was submitted to the state office by FT on a quarterly basis for the 2016-2017 program year.
 - a. All programs are directed to review data files for errors and ensure accuracy of data as an ongoing process throughout the year.
3. Program Year 2016-2017 data was finalized on October 1st and submitted to the U.S. Department of Education (USDOE) and the 2017 Measurable Skills Gain (MSG) Report was published in November 2017 on the systems website.
 - a. The 2017 MSG Report is the official document of record and all RFP applicants were provided a direct link in the grant application.
 - b. This report was used to evaluate all applicants as it is the official record on file with the state office and the USDOE.

In accordance with 1A SBCCC 400.5 (8), the review panel only considered the following factors for the basis of its recommendation:

- Request for Proposal (RFP),
- Appealing party's response to the RFP,
- Award decision,
- Appealing party's written appeal,
- College and Career Services Section's response to the written appeal, and
- Evidence provided at the informal hearing.

Based on the factors listed above, it is the recommendation of the panel that FT Community College has not provided sufficient evidence that NCCCS section failed to follow the evaluation

process. In addition, we received no evidence to establish that NCCCS was biased against the appealing party in the award decision.

Review Panel Recommendation for Montgomery CC

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER BEFORE
THE NORTH CAROLINA STATE BOARD OF COMMUNITY COLLEGES

IN RE:) **REVIEW PANEL’S RECOMMENDATION**
)
Montgomery Community College)
2018-2019 Adult Education and Family Act)
Grant 231)

December 5, 2018

Review Panel

- Sandy Crist, (Review Panel Chair) State Director for Adult Education and High School Equivalency, State of Mississippi,
- Dr. Philip Less, State Director Basic Adult Education and GED Programs, State of Rhode Island
- Shannon Baker, Education Consultant (Special Populations, Civil Rights, Equity), North Carolina Department of Public Instruction

Subchapter 400: Appeal Process for Award of the North Carolina Title II Adult Education and Family Literacy Act, Fiscal Years 2018-2021 Competitive Grants

1A SBCCC 400.2 Standards for Appeal

The sole grounds for appeal shall be:

- 1) Failure to follow the evaluation or award process;
- 2) Unlawful discrimination; or
- 3) Alleged bias.

The appealing party must expressly identify one of the grounds for appeal and provide a written explanation or other documentation to support the basis of appeal identified.

Montgomery Community College appealed the decision by the North Carolina Community College System, College and Career Readiness Section (NCCCS) and pursuant to 1A SBCCC 400.5, an informal hearing was held on December 4, 2018. The hearing provided an opportunity for Montgomery Community College and representatives from NCCCS to present evidence to support or refute the grounds for the appeal. Montgomery Community College submitted an appeal based on the following grounds:

1. Failure to follow the evaluation process.

2. Potential bias/discrepancies with their score.

Montgomery Community College indicated that scores for Considerations 5 – 13 should have been deemed “Adequate,” not “Needs Improvement.” This assertion was based on comments in the review consensus form.

In response to the allegations presented by Montgomery Community College, NCCCS provided the following information:

1. Disagreements with scores and comments does not constitute a basis for appeal.

NCCCS provided the following information from page 29 on the RFP:

1. In an effort to prevent bias during the review process, the following steps were implemented.
 - a. Application responses were divided into groups by topic (capacity and commitment, instructional practices, and service integration).
 - b. A group of three readers were assigned to each of these topics. Readers were selected because of their subject matter expertise in the particular area assigned. These readers independently reviewed and scored each response and then met as a group to arrive at consensus.
2. A consensus score was assigned and one set of comments were produced and agreed on by the group. The consensus score from each reader review team was added together to arrive at the final score.
3. NCCCS outlined the application process which all applicants were required to follow in order to be considered.

In accordance with 1A SBCCC 400.5 (8), the review panel only considered the following factors for the basis of its recommendation:

- Request for Proposal (RFP),
- Appealing party’s response to the RFP,
- Award decision,
- Appealing party’s written appeal,
- College and Career Services Section’s response to the written appeal, and
- Evidence provided at the informal hearing.

Based on the factors listed above, it is the recommendation of the panel that Montgomery Community College has not provided sufficient evidence that NCCCS failed to follow the application and evaluation process. In addition, we received no evidence to establish that NCCCS was biased against the appealing party in the award decision.

**Review Panel
Recommendation for
Moore County Literacy
Council**

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER BEFORE
THE NORTH CAROLINA STATE BOARD OF COMMUNITY COLLEGES

IN RE:) **REVIEW PANEL’S RECOMMENDATION**
)
Moore County Literacy Center)
2018-2019 Adult Education and Family Act)
Grant 231)

December 5, 2018

Review Panel

- Sandy Crist, (Review Panel Chair) State Director for Adult Education and High School Equivalency, State of Mississippi,
- Dr. Philip Less, State Director Basic Adult Education and GED Programs, State of Rhode Island
- Shannon Baker, Education Consultant (Special Populations, Civil Rights, Equity), North Carolina Department of Public Instruction

Subchapter 400: Appeal Process for Award of the North Carolina Title II Adult Education and Family Literacy Act, Fiscal Years 2018-2021 Competitive Grants

1A SBCCC 400.2 Standards for Appeal

The sole grounds for appeal shall be:

- 1) Failure to follow the evaluation or award process;
- 2) Unlawful discrimination; or
- 3) Alleged bias.

The appealing party must expressly identify one of the grounds for appeal and provide a written explanation or other documentation to support the basis of appeal identified.

Moore County Literacy Council (MCLC) appealed the decision by the North Carolina Community College System, College and Career Services Section (NCCCS) and pursuant to 1A SBCCC 400.5, an informal hearing was held on December 4, 2018. The hearing provided an opportunity for MCLC and representatives from the NCCCS to present evidence to support or refute the grounds for the appeal. MCLC submitted an appeal based on the following grounds:

1. Bias in the Award Decision
 - a. Bias against the MCLC itself

- i. In the appeal MCLC stated, “there was bias against MCLC itself, based on the decision in 2016 to withdraw the program after serious deliberations by our staff and Board of Directors.”
 - ii. MCLC claims they were not alerted/informed of the RFP release and therefore, missed the bidder’s meeting and had a shorter time to prepare their submission.
 - b. Bias against tutoring organizations and against the neediest cases
 - c. Bias against smaller organizations, particularly those which are not colleges
- 2. Failure to follow the evaluation or award process
 - a. Failure to correctly apply the rubrics
 - b. Selective sharing of information

In response to the allegations presented by MCLC, the NCCCS provided the following information:

1. Bias in the Award Decision

- a. Bias against MCLC Itself:
 - i. Reviewers of the application were not aware that MCLC had withdrawn from the program in 2016; therefore, there was no bias against the council for withdrawing.
 - ii. The NCCCS provided evidence of a Grant Evaluation and Award Timeline. This timeline indicates that the information about grant availability and Bidder’s Conference was posted on NCCCS website, social media and NC Grants website. On January 12, 2018, the Title II RFP was released for the general public. Incumbent providers were not individually contacted or informed about the RFP release.
- b. The NCCCS stated sixty-three (63) organizations were funded under Section 231. Ten (10) of those funded were tutoring organizations which serve all levels of literacy students including those considered “neediest” students.
- c. Seven (7) of those funded organizations serve fewer than 200 students.

Therefore, the NCCCS proved no bias towards tutoring organizations or small organizations during the grant process.

2. Failure to follow the evaluation or award process

- a. In response to failure to apply the rubric, the NCCCS provided the following information from page 29 on the RFP:
 - i. Application responses were divided into groups by topic (capacity and commitment, instructional practices, and service integration).
 - ii. A group of three readers were assigned to each of these topics. Readers were selected because of their subject matter expertise in the particular area assigned. These readers independently reviewed and scored each response and then met as a group to arrive at consensus.

- iii. A consensus score was assigned and one set of comments were produced and agreed on by the group. The consensus score from each reader review team was added together to arrive at the final score.
- iv. The NCCCS outlined the application process which all applicants were required to follow in order to be considered.

In response to NCCCS's failure to submit the MCLC applications to the Local Workforce Development Board, NCCCS states that the LWDB did not submit the name of Moore County to them and this was corrected and the LWDB did have an opportunity to review MCLC's application.

b. Selective Sharing of Information:

The NCCCS provided evidence of a Grant Evaluation and Award Timeline. This timeline indicates that the information about grant availability and Bidder's Conference posted on NCCCS website, social media and NC Grants website. On January 12, 2018, the Title II RFP was released for the general public. Incumbent providers were not individually contacted or informed about the RFP release. NCCCS responded to the allegation of violation of the Q&A procedures.

General question and answers were accepted for the period of January 22 – February 2 and all general grant questions received were posted on the NCCCS website. MCLC asked program specific questions therefore, it was not appropriate to post as general grant questions.

In accordance with 1A SBCCC 400.5(f)(8), the review panel only considered the following factors for the basis of its recommendation:

- Request for Proposal (RFP),
- Appealing party's response to the RFP,
- Award decision,
- Appealing party's written appeal,
- College and Career Services Section's response to the written appeal, and
- Evidence provided at the informal hearing.

Based on the factors listed above, it is the recommendation of the panel that MCLC has not provided sufficient evidence that NCCCS failed to follow the evaluation process. In addition, we received no evidence to establish that NCCCS was biased against the appealing party in the award decision.

Review Panel Recommendation for Triangle Literacy Council

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER BEFORE
THE NORTH CAROLINA STATE BOARD OF COMMUNITY COLLEGES

IN RE:) **REVIEW PANEL’S RECOMMENDATION**
)
Triangle Literacy Council)
2018-2019 Adult Education and Family Act)
Grant 231)

December 5, 2018

Review Panel

- Sandy Crist, (Review Panel Chair) State Director for Adult Education and High School Equivalency, State of Mississippi,
- Dr. Philip Less, State Director Basic Adult Education and GED Programs, State of Rhode Island
- Shannon Baker, Education Consultant (Special Populations, Civil Rights, Equity), North Carolina Department of Public Instruction

Subchapter 400: Appeal Process for Award of the North Carolina Title II Adult Education and Family Literacy Act, Fiscal Years 2018-2021 Competitive Grants

1A SBCCC 400.2 Standards for Appeal

The sole grounds for appeal shall be:

- 1) Failure to follow the evaluation or award process;
- 2) Unlawful discrimination; or
- 3) Alleged bias.

The appealing party must expressly identify one of the grounds for appeal and provide a written explanation or other documentation to support the basis of appeal identified.

Triangle Literacy Council (TLC) appealed the decision by the North Carolina Community College System, College and Career Services Section (NCCCS) and pursuant to 1A SBCCC 400.5, an informal hearing was held on December 4, 2018. The hearing provided an opportunity for TLC and representatives from the NCCCS to present evidence to support or refute the grounds for the appeal. TLC submitted an appeal based on the following grounds:

1. Failure to follow the evaluation or award process.
2. Bias in the award decision.

TLC alleged NCCCS did not maintain individual scores and comments. TLC alleged selected reviewers were connected with funded programs in the past and were potentially biased in the review of applications. TLC alleged the reviewer comments used in evaluating the 243 grant application did not align with the information provided in the grant application responses.

In response to the allegations presented by Triangle Literacy Council, the NCCCS provided the following information from page 29 on the RFP:

1. In an effort to prevent bias during the review process, the following steps were implemented.
 - a. Application responses were divided into groups by topic (capacity and commitment, instructional practices, and service integration).
 - b. A group of three readers were assigned to each of these topics. Readers were selected because of their subject matter expertise in the particular area assigned and signed a confidentiality agreement. These readers independently reviewed and scored each response and then met as a group to arrive at consensus.

A consensus score was assigned and one set of comments were produced and agreed on by the group. The consensus score from each reader review team was added together to arrive at the final score therefore, Individual scores and comments were not part of the review process.

The College and Career Services Section outlined the application process which all applicants were required to follow in order to be considered.

In accordance with 1A SBCCC 400.5(f)(8), the review panel only considered the following factors for the basis of its recommendation:

- Request for Proposal (RFP),
- Appealing party's response to the RFP,
- Award decision,
- Appealing party's written appeal,
- College and Career Services Section's response to the written appeal, and
- Evidence provided at the informal hearing.

Based on the factors listed above, it is the recommendation of the panel that Triangle Literacy Council has not provided sufficient evidence that NCCCS failed to follow the evaluation process. In addition, we received no evidence to establish that NCCCS was biased against the appealing party in the award decision.

Review Panel Recommendation for Wilson CC

STATE OF NORTH CAROLINA

WAKE COUNTY

IN A MATTER BEFORE
THE NORTH CAROLINA STATE BOARD OF COMMUNITY COLLEGES

IN RE:) **REVIEW PANEL’S RECOMMENDATION**
)
Wilson Community College)
2018-2019 Adult Education and Family Act)
Grant 231)

December 5, 2018

Review Panel

- Sandy Crist, *Review Panel Chair*, State Director for Adult Education and High School Equivalency, State of Mississippi
- Dr. Philip Less, State Director Basic Adult Education and GED Programs, State of Rhode Island
- Shannon Baker, Education Consultant (Special Populations, Civil Rights, Equity), North Carolina Department of Public Instruction

Wilson Community College appealed the Title II, section 231 grant decision by the North Carolina Community College System, College and Career Readiness Section and pursuant to 1A SBCCC 400.5, an informal hearing was held on December 4, 2018. The hearing provided an opportunity for Wilson Community College and representatives from the College and Career Services Section to present evidence to support or refute the grounds for the appeal. Pursuant to 1A SBCCC 400.5(f)(1), the review panel adhered to the following standard of review: (A) Whether the appealing party has provided sufficient evidence to establish that the College and Career Services Section failed to follow the evaluation or award process; (B) Whether the appealing party has provided sufficient evidence to establish that the College and Career Services Section’s decision was based on unlawful discrimination; or (C) Whether the appealing party has provided sufficient evidence to establish that the College and Career Services Section was biased against the appealing party in the award decision.

Wilson Community College submitted an appeal based on the following grounds:

1. Failure to follow the evaluation process/Disagreement with score and comments and objection to the word count limit.
2. During the presentation, Wilson Community College stated the word count limit in the grant application prevented them from providing sufficient answers in response to the 13 Considerations. In the presentation, Wilson provided additional response to the application’s 13 Considerations.

In response to the allegations presented by Wilson Community College, the College and Career Services Section provided the following information:

1. The College and Career Services Section outlined the application process which all applicants were required to follow in order to be considered.
2. All narrative responses were reviewed based on the 13 Considerations as specified by the Workforce Innovation and Opportunity Act, Section 231. Each answer was limited to 3,500 character maximum – approximately 500 word limit per question consideration.
3. The word count limit was applicable to all grant applications, therefore the application for Wilson Community College was not treated differently from other applicants.

In accordance with 1A SBCCC 400.5(f)(8), the review panel only considered the following factors for the basis of its recommendation:

- Request for Proposal (RFP),
- Appealing party's response to the RFP,
- Award decision,
- Appealing party's written appeal,
- College and Career Services Section's response to the written appeal, and
- Evidence provided at the informal hearing.

Based on the factors listed above, it is the recommendation of the panel that Wilson Community College has not provided sufficient evidence that the College and Career Services section failed to follow the application and evaluation process. In addition, additional responses to specific questions in the grant application were not allowable based on the appeal process outlined in 1A SBCCC 400.5(f)(4).