

Area:	Due Process
Subject:	MS20 – State Appeal Process
Reference:	Title 5 Section 18120, Funding Terms and Conditions, Management Bulletin 13-04
Policy:	If a parent/guardian disagrees with a proposed action, the parent/guardian may file a request for an appeal hearing within fourteen (14) calendar days of the date the Notice of Action (NOA) was received. Upon filing of a request for hearing, the intended action shall be suspended until the appeal process is completed. The appeal process is completed when the appeal process has been exhausted or when the parent abandons the appeal process.

Procedure:

1. If a parent/guardian disagrees with an action, the parent/guardian must file a request for an appeal hearing within fourteen (14) calendar days after the participant receives the Notice of Action (NOA). A request must include the effective date of the NOA, parent name, telephone number, full address, explanation why the parent disagrees with the agency's proposed action and date. The request for a hearing may be submitted by mail, in person, phone, fax or e-mail. Requests submitted over the telephone must be documented on the Telephone Request for Appeal Hearing form. All requests shall be date stamped and given to the Coordinator of Early Childhood Programs.
2. A parent or the parent's Authorized Representative has the right to review the data file as arranged during business hours prior to the hearing. A request must be submitted in writing a minimum of two (2) days prior to the file review date.
3. If the request for a hearing exceeds the allowed timeline, there are no further appeal rights. The Coordinator of Early Childhood Programs shall issue an Appeal Denial-Missed Deadline letter.
4. Upon the filing of a timely request for a hearing, the intended action shall be suspended and child care services continued until the review process has been completed. The appeal process is complete when the appeal process has been exhausted or when the parent/guardian abandons the appeal process.
5. Within ten (10) calendar days following the receipt of the request for a hearing, the Coordinator of Early Childhood Programs will schedule an appeal hearing. The parent/guardian will be contacted by telephone no more than two (2) times to schedule the hearing for a time that is convenient for them. If the parent/guardian does not reply by the next business day, then a hearing date and time will be scheduled for them. The hearing shall not be postponed more than fourteen (14) calendar days from the date the hearing officer contacts the parent to schedule the hearing. In the event that a parent cannot keep the scheduled hearing date, the parent must notify SCOE in advance of the hearing date. A parent may request to re-schedule the hearing date one (1) time.
6. The Coordinator of Early Childhood Programs will create and mail the hearing notice to the parent/guardian, schedule room reservations, and inform the staff member who issued the NOA through a meeting request in Microsoft Outlook.
7. The staff member who issued the NOA will change the family's status in the electronic database to "On Appeal."

8. Coordinator of Early Childhood Programs will set up the audio recording device the day of the hearing.
9. The hearing is conducted using the approved Appeal Hearing Officer Script. Only parent/guardian or their authorized representative and Agency Representative shall be allowed to attend the hearing. The hearing shall be audio recorded.
10. The hearing will be conducted by a fair, unbiased and neutral arbitrator who shall be referred to as "the hearing officer." The hearing officer must be at a staff level higher in authority than the person who made the decision contained in the NOA, such as the Coordinator of Early Childhood Programs, Director II or CFS Planning Coordinator.
11. In the event that a parent is unable to attend the hearing at the designated location accommodations may be arranged as agreed upon by the parent and hearing officer. Alternatives to on-site hearings may include telephone or video conference. If applicable, parent will need to submit all documents prior to the scheduled hearing date. The hearing officer will call the parent or authorized representative and identify the individual through requesting their youngest child's name, birthdate and zip code.
12. Failure to attend the hearing or call in advance to reschedule is considered abandonment of the appeals process. The Coordinator of Early Childhood Programs shall mail the Appeal Abandoned letter and the Agency Representative will inform the provider that care will no longer be reimbursed. Child care services are discontinued immediately.
13. The hearing officer shall mail or deliver to the parent/guardian a written decision using the Approval or Denial letter within ten (10) calendar days after the hearing. If denied, child care services shall end nineteen (19) days after denial letter mail date. Denial letters must state the facts of the case including the reason(s) for generating the NOA and facts presented during the hearing. The letter must contain information on how to file for a second level parent appeal with the California Department of Education, Child Development Division.
14. Coordinator shall distribute a copy of the decision letter to the staff member who issued the NOA.
15. The staff member who issued the NOA will change the family's status in the electronic database to "Active" or "Inactive" dependent upon the outcome at the appropriate date. For approvals, the staff member who issued the NOA, shall issue a NOA rescinding the termination.
16. Staff member who issued the NOA shall notify the child care provider of appeal outcome by telephone.

Supervised by: Executive Director

Performed by: Coordinator of Early Childhood Programs

Forms needed: Notice of Action (CD7617), Officer Script, Authorized Representative for Local Appeal Hearing form, Telephone Request for Appeal Hearing form, Hearing Parent Notice Letter, Appeal Approval Letter, Appeal Denial Letter, Appeal Abandoned Letter, Appeal Denial-Missed Deadline Letter

Frequency: Ongoing