



Grants Management Policy



Policy Name	Appeal Process		
Date Approved	2019	Policy Section	Grants Management
Date Updated	7/19/21	Approved By	<i>Sarah Hendrix</i> Deputy Associate Superintendent, Grants Management

Audience

This policy pertains to Local Education Agencies (LEA).

Purpose

The purpose of this policy is to provide guidance and timelines when appealing a decision made by the Grants Management Processing or Fiscal Monitoring units.

Overview

The appeal process provides LEAs an opportunity to request a review of an action taken by Grants Management that in some manner impedes the processing of grant funds (e.g. global hold, suspension, etc.) This policy is created in accordance with 34 CFR 76.783 that requires LEAs to have access to an appeal process and 2 CFR 200.341 which that provides guidance on the appeal process for Federal funds. This policy provides additional guidance in dealing with the most common actions, related to State and Federal fund, that allow for an appeal to be submitted.

Terms

Global Hold: A Local Education Agency's entire portfolio of grants will not receive fund disbursements.

Policy

An appeal may be requested if the LEA believes the Arizona Department of Education (ADE) violated State or Federal statute or regulations in connection to one of the following circumstances:

1. The LEA is required to refund misspent or misapplied funds.
2. The LEA is placed on global hold, is suspended or terminated.
3. The determination of IDEA Maintenance of Eligibility.
4. ADE withholds funding from LEA.

The LEA must submit an official notification of an appeal in writing within thirty (30) calendar days of the Grants Management decision. The request must be written on



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LEA letterhead and include the following information: LEA Name, Name of Responsible Party, LEA address, the action being appealed, a concise statement of the facts relating to the alleged violation of state or federal regulations and the relief sought. Only an LEA employee, and not a vendor of the LEA, may create, file and represent the LEA throughout the appeal process.

ADE will review the appeal letter and determine the validity of the appeal. ADE may decide that a request does not clearly articulate a violation of state or federal statute or regulations and deny the request for a hearing. If the request for a hearing is denied this will be communicated to the LEA by the Superintendent's Office. If the appeal is determined to warrant a hearing, ADE has thirty (30) calendar days, from receipt of the written request, to hold a hearing.

When a hearing is warranted the panel will consist of three impartial ADE staff members. The panel will provide time for the LEA and Grants Management to present their cases. Based on the facts presented by the LEA and Grants Management the panel will make a ruling within ten (10) calendar days of the hearing. The panel will provide their decision in writing to the LEA and Grants Management and this determination is final. For appeals related to federal funds, the LEA has twenty (20) calendar days from notification of the ruling to appeal in writing to the Federal Secretary of State. The Federal Secretary of State will review and notify ADE of a ruling, ADE will then notify the LEA. This determination is final.