

APPEALS PROCESS FOR SUPPLEMENTAL EDUCATIONAL SERVICES PROVIDERS

The following process has been established for Supplemental Educational Services (SES) provider applicants and current state-approved providers to appeal a denial, suspension, revocation of state approval. If a state-approved SES provider believes that suspension or revocation of state approval as a SES provider and thereafter a removal from the state list of state-approved providers is unwarranted or if a SES applicant believes that denial of his or her application is unwarranted, the following procedure may be used by the provider to appeal the state's decision.

When must appeals be filed?

All appeals shall be filed in writing with the Office of the State Superintendent of Education (OSSE) within 10 calendar days of the SES provider receiving written notice from OSSE of denial of an application or suspension or revocation of state-approved status. Appeals shall be considered received by OSSE on the date they are postmarked.

Appeals may not be submitted electronically to OSSE.

Only appeals filed in accordance to this time frame shall be considered for appeal by OSSE.

What must be included in all appeals?

To be considered, appeals shall:

- Be submitted in writing and include the following information:
 - A clear statement of the allegation(s);
 - Specific reason(s) for believing OSSE's decision was not proper or was not made in accordance with federal and/or state regulations, policies, or procedures. Please note that to the extent possible, this should include specific references to federal and/or state regulations;
 - A summary of the facts upon which the allegation(s) is based. Please note that to the extent possible, this should include specific names and dates relevant to the allegation; and
 - Any documentation supporting the allegation(s).
- Be signed by the individual authorized to submit the application and/or correspond with the state on behalf of the SES provider. Please note that this individual's name should be on the application cover page and/or, in the case of a state-approved SES provider, on file with OSSE.
- Contact information, including name of individual filing the appeal, name of the organization, mailing address, telephone number(s), and email address.

What is the procedure for considering appeals?

There are two separate appeal procedures. **Appeal Procedure #1** addresses OSSE's decision to deny initial approval of a SES application and subsequent refusal to place the provider on the state-approved SES provider list. **Appeal Procedure #2** addresses

OSSE's decision to revoke the approval of a SES provider and remove them from the state-approved provider list.

Once the type of appeal has been determined, the course of action taken shall follow the procedure as set forth below:

Appeal Procedure #1: *Appeals of OSSE's decision to deny initial approval of a SES application and subsequent refusal to place the provider on the state-approved SES provider list.*

The appeal shall be reviewed by a committee three to five persons convened expressly to determine the status of a SES appeal.

The committee will review the documentation provided within 14 calendar days. This review will include providing the applicant with the opportunity to present evidence in person to the appeals committee.

The appeals committee will notify the State Superintendent (or his/her designee) of its decision within 10 calendar days after the review.

The committee's decision is final.

The Office of the State Superintendent will notify the Board of Education and the applicant of the appeals committee's decision with 10 calendar days after receipt of the final decision.

Appeal Procedure #2: *Appeals of OSSE's decision to revoke the approval of a SES provider and remove them from the state-approved provider list.*

The appeal shall be reviewed by a committee of three to five persons convened expressly to determine the status of a SES appeal.

The committee will review the documentation provided within 14 calendar days. This review will include providing the SES provider with the opportunity to present evidence in person to the appeals committee. This meeting will be open to the public for additional comment regarding the status of the SES provider. Parents, students, and LEA representatives will be encouraged to participate in the meeting.

The appeals committee will notify the State Superintendent (or his/her designee) of its decision with 10 calendar days after the review.

The committee's decision is final.

The Office of the State Superintendent will notify the Board of Education and the applicant of the appeals committee's decision with 10 calendar days after receipt of the final decision.

What is the composition of the SES appeals committee?

The SES appeals committee shall be comprised of three to five persons with expertise in Title I Part A and/or experience with implementation of the SES program. The committee shall contain, at minimum, one OSSE state program practitioner with expertise in Title I, Part A and members from at least two of the following categories:

- Committee of Practitioner members
- School Support Team members
- State System of Support members
- OSSE Office of Review and Compliance staff
- Representatives from Title I LEAs with experience with SES
- Current SES provider in “good standing”

Please note that in the case of appeals of OSSE’s decision to revoke the approval of a SES provider and remove them from the state-approved provider list, the Title I LEA may not have had services delivered to its students during the current tenure of the SES provider’s state-approved status.

Who appoints the SES appeals committee?

The SES appeals committee will be appointed by the Director of Academic Supports and Intervention.

What decisions may be made by the SES appeals committee?

As a result of the review process, the SES appeals committee shall make one of the following decisions:

- Affirm the original decision (deny the appeal)
- Ask for more information (continue the review)
- Overturn the original decision (approve the appeal)

As a result of Appeals Procedure #1, if the SES appeals committee affirms the original decision and denies the appeal, the applicant is encouraged to apply again during the next competitive cycle.

As a result of Appeals Procedure #2, if the SES appeals committee affirms the original decision and denies the appeal, the SES provider may not be placed on the state-approved list for two continuous years after revocation and removal.

As result of either Appeals Procedure #1 or #2, if the SES appeals committee asks for more information, the appeals committee’s review process and timeframe for rendering a final decision may not exceed an additional 30 calendar days.

As a result of either Appeals Procedure #1 or #2, if the SES appeals committee overturns the original decision and approves the appeal, OSSE will begin corrective action efforts to approve and/or re-instate the SES provider. This corrective action effort may not exceed 10 calendar days.

To whom must the SES appeals be submitted?

All SES appeals must be submitted in writing to:

Director of Academic Supports and Intervention
District of Columbia Office of the State Superintendent of Education
51 N Street, NE, 7th Floor
Washington, DC 20002

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