

## APPEAL CHECKLIST

### Dear Parent/Guardian:

The purpose of this document is to assist in assessing whether an administrative determination made by the Arizona Department of Education (ADE) may be appealed and, if so, what information will be required when submitting an appeal form to the Arizona State Board of Education (SBE).

Pursuant with Arizona Revised Statute (A.R.S.) §§ [15-2403](#), [41-1092](#) *et seq.* and Arizona Administrative Code (A.A.C.) R7-2-1511(F), not all ADE administrative actions are appealable.

Please review SBE's ESA Homepage prior to submitting an appeal.

Appeals must be submitted within 30 days of an administrative decision.

SBE staff may not provide legal advice or opinions regarding an appeal and/or reason for the appeal.

Submit any questions about appeal processes to [esafeedback@azsbe.az.gov](mailto:esafeedback@azsbe.az.gov).

### **Step 1 – Can my administrative action be appealed?**

	<u>Can I Appeal?</u>
My pupil's ESA application was deemed administratively incomplete	NO
I received a "10 Day Notice" to resolve an issue	NO
I dispute the validity of an ADE Policy or Procedure	NO
My child's administratively complete ESA application was denied	YES
My child's ESA contract was terminated <sup>1</sup>	YES <sup>2</sup>
An expense was disallowed/denied	YES
A suspension was placed on my child's ESA account	YES <sup>2</sup>

<sup>1</sup>*If the account was terminated due to outstanding documentation or reports, an appeal will not exempt the parent from submission of the requested documentation and reports.*

<sup>2</sup>*A parent/guardian may request a "stay" of the suspended and terminated ESA Account, therefore being capable of accessing the ESA account funds throughout the appeal process. Such requests must be made to the State Board of Education at the time of the appeal submission.*

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### **Step 2 – What information is needed to submit an appeal?**

- \_\_\_\_\_ Parent/Guardian Name
- \_\_\_\_\_ Initials of the Pupil
- \_\_\_\_\_ Parent/Guardian Mailing Address
- \_\_\_\_\_ Parent/Guardian Email Address
- \_\_\_\_\_ Parent/Guardian Phone Number
- \_\_\_\_\_ Name of the Agency that rendered the appeal
- \_\_\_\_\_ Identification of the Action Being Appealed
- \_\_\_\_\_ A concise statement regarding the reason(s) for the appeal

Submitting a copy of the ADE administrative decision is recommended, but not required. Visit [SBE's Homepage](#) to download the Appeal Form. Enter the information above into the form.

### **Step 3 – Suspended and Terminated ESA Accounts**

If your pupil's ESA Account was not suspended or terminated, you may skip to the step 4.

If the ADE administrative decision placed a suspension or termination on your pupil's ESA Account and you wish to be able to access the ESA funds throughout the appeals process, please submit the following statements; that are **completely separate** from the statement in step 2 (above). **Do not combine the statements from step 2 and step 3. They must remain separate.**

- \_\_\_\_\_ a Statement requesting a stay on the ESA account
- \_\_\_\_\_ a Statement addressing the matters and issues identified in ADE's Administrative Decision.

### **Step 4 – Submitting the Appeal to SBE**

The ESA Appeal can be submitted using **one** of the methods below:

- \_\_\_\_\_ Email: [esafeedback@azsbe.az.gov](mailto:esafeedback@azsbe.az.gov)
- \_\_\_\_\_ Fax: Attn: ESA Appeal at (602) 542-3046
- \_\_\_\_\_ Mail: Arizona State Board of Education, Attn: ESA Appeal  
1700 Washington Street, Executive Tower  
Phoenix, AZ 85007