

APPEAL FAQs

Q1: Why are appeals going through the State Board of Education (SBE) when my previous appeals went through Arizona Department of Education (ADE)?

The passage of bills in 2019 shifted the ESA Appeal authority from ADE to SBE for all ADE Decision issued on and after January 1, 2021. ADE Administrative decisions issued prior to January 1, 2021 must be appealed through ADE.

Q2: Will I received confirmation that my submitted appeal form was received?

Once an appeal form is submitted, the Parent/Guardian will receive confirmation of receipt from SBE Staff within two business days.

Q3: How will ADE be notified that I have appealed their decision?

Once an appeal has been submitted to the SBE offices, SBE staff must include all appeal parties (ADE and Parent/Guardian) in **all** appeal communications. SBE staff will meet this obligation by copying each party on all emails. Additionally, both parties must be included in all verbal conversations. If the need for a phone conference arises, SBE staff will make arrangements.

Q4: What is a “Stay”?

A stay may allow a Parent/Guardian access to their suspended or terminated ESA account while the appeals process proceeds. Please reference Rule *R7-2-1511(B)* for more information.

Q5: Why does SBE keep CC-ing ADE on their emails to me?

Once an appeal has been submitted to SBE, **all parties** must be included in all conversations: both in person and online. If the need for a phone conference arises, SBE staff will make arrangements.

Q6: Who schedules the hearing date?

SBE Staff will request a hearing date with an Administrative Law Judge (ALJ), through Office of Administrative Hearings (OAH), and will inform all parties (Parent/Guardian, ADE, and any possible attorneys) of the date and time OAH schedules for the hearing.

Q7: When will I know the hearing date and time?

OAH keeps their own schedule and may not have availability on the date/time SBE requested for the hearing. Once OAH responds with an available date/time, SBE will publish the Notice of Hearing (NOH) and distribute it to all parties: Parent/Guardian, ADE, and any applicable lawyers.

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Q8: What if I am not available on the date of the hearing?

The Parent/Guardian will need to [contact OAH](#) regarding changing the date/time. Since SBE is the governing agency regarding the appeal, SBE cannot do this for the Parent/Guardian.

Q9: Am I required to use an attorney?

An Attorney is not required, but the Parent/Guardian may hire one if desired.

Q10: Is there a way to appeal, but without going to a hearing?

On SBE's homepage, the handout entitled *Hearing vs. Informal Settlement Conference* is available to provide basic differences between an Informal Settlement Conference (ISC) and a hearing.

Q11: Is there a way to know how to prepare for the hearing?

Office of Administrative Appeals (OAH) provides a FAQ regarding [What a Hearing is Like](#).

Q12: Is the hearing the final decision?

No. The hearing provides SBE with a recommendation. SBE may decide to agree, disagree, or amend the recommendation from OAH.

Q13: Will I get a copy of the OAH Recommendation?

Yes. SBE will provide a copy to the Parent/Guardian and ADE along with the date the Board will publicly vote on the appeal and the OAH Recommendation.

Q14: Can I discuss my appeal with the Board at their public meeting?

Board Meetings are managed by Open Public Meeting Law. Pursuant with Arizona Revised Statute (A.R.S.) [§38-431.01](#) (H): A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body.

As such, the Parent/Guardian may make a public statement to the Board and/or submit a prewritten comment for the Board to consider.