



Parent Appeals Early Learning and Care Division (ELCD)



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State Superintendent
of Public Instruction

Agenda

- Parent Appeal Resources
- Notice of Action (NOA), Recipient of Services
- Local Level Appeal
 - Hearing Officer Requirements
 - Decision Letter
- ELCD Appeal Requirements
- Abandonment



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Parent Appeal Resources

- NOA
[Notices of Action](#)
 - Translations in Chinese, Hmong, Korean, Filipino (Tagalog), Spanish, and Vietnamese
- ELCD Management Bulletin (MB)
[Parent Appeals MB 13-04](#)



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Parent Appeal Resources (2)

- Frequently Asked Questions
[Parent Appeals MB 13-04 Frequently Asked Questions](#)
 - Answers questions relating to MB 13-04 on Parent Appeals
- ELCD Parent Appeal Pamphlet
[Parent Appeal Pamphlet](#)
- ELCD Web Site Link for Parents
[Parent Appeal Information](#)



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NOA, Recipient of Services

What is a statement of reasons?

- Box seven (7) on the NOA
- Explains the reason(s) for the changes
- Explains the reason(s) for termination
- Describes why the action is necessary
- Specifies the legal, regulatory, or policy basis for the NOA

The *California Code of Regulations*, Title 5
(5 CCR), Section 18095(h)(i)(j)



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Local Level Appeal

Before the appeal is due:

- Parents have fourteen (14) calendar days from their receipt of the NOA to submit appeal
- Allow parents five (5) additional calendar days to appeal when mailing NOA
- All NOAs are appealable
- Suspend the action on the NOA during the 14-19 day timeframe

5 *CCR*, sections 18119(b) and 18120(a)(b)



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Local Level Appeal (2)

After the appeal is submitted:

- Notify the parent of the hearing within ten (10) calendar days after receiving the appeal request
- Time and place of hearing should be convenient for the parent, (i.e., via phone, etc.)
- Provide an interpreter if requested

5 *CCR*, Section 18120(c)(f)(g)



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Local Level Appeal (3)

After the appeal is submitted:

- Parent or authorized representative must attend
- Failure to participate in or attend the hearing is considered abandonment
- Abandonment gives the contractor authority to implement the action on the NOA

5 *CCR*, Section 18120(b)(e)



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Local Level Appeal (4)

Hearing Officer Requirements:

- Not involved in issuing the NOA
- Higher level authority than the person who issued the NOA
- Understand the statutes and regulations
- Attend and conduct hearing
- Review all relevant documents

5 *CCR*, Section 18120(d)



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Local Level Appeal (5)

- During the hearing, the Hearing Officer must:
- Explain authority for NOA
- Give parent an opportunity to explain and/or present documentation
- Ensure a staff member is available to present any facts related to the NOA
- Inform parent of next steps in the appeal process



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Local Level Appeal (6)

When writing a Decision Letter, the Hearing Officer shall:

- Consider all factors when rendering a decision
- Write and issue decision letter within 10 calendar days after the hearing



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ELCD Appeal Requirements

After the local hearing and letter has been sent:

- Parents have 14 calendar days to appeal to the ELCD (additional 5 calendar days for mailing)
- Parents must submit NOA, local decision letter, and reason why he/she believes contractor decision is incorrect

5 *CCR*, Section 18121(a)(b)(c)(d)



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ELCD Appeal Requirements (2)

- Failure to appeal timely and complete is abandonment
 - Late appeals
 - Incomplete appeals

5 *CCR*, Section 18121(a)(b)(c)(d)



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ELCD Appeal Requirements (3)

- Determines timeliness and completeness
- Contractors wait 14-19 days from date of local decision letter
- Contractor may implement intended action after confirming no ELCD appeal

5 CCR, Section 18121(a)(b)(c)(d)(e)(f)



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ELCD Appeal Requirements (4)

- Require contractor to submit all supporting documents from family data file
- Review and consider all documents submitted during the appeal process

5 *CCR*, Section 18121(a)(b)(c)(d)(e)(f)



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ELCD Appeal Requirements (5)

- Final decision letter within thirty (30) calendar days (unless consultation with Legal – additional time may be needed, and child care services shall continue.)
- Copy of decision letter is sent to parent and hearing officer

5 *CCR*, Section 18122(a)(b)(c)



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ELCD Appeal Requirements (6)

- Contractor will comply with the ELCD decision upon receipt
- Contractor reimbursed for services provided during the appeal process

5 CCR, Section 18122(a)(b)(c)



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Subsequent NOAs

- Failure to appeal subsequent NOA is deemed abandonment
- ELCD will take no further action
- Contractor may implement the intended action

5 *CCR*, sections 18120(b)(e), 18121(b)



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Parent Appeal Team

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