
Vermont Agency of Education

Appeals Process for Local Educational Agencies

In accordance with federal rules, the Vermont Agency of Education (AOE) provides grant applicants or recipients with the opportunity for a hearing to appeal AOE's final action under an applicable federal program. See 34 C.F.R. § 76.401(a), 34 C.F.R. § 76.783 and 20 U.S.C. 1231b-2. Specifically, the applicant or recipient must allege that the AOE took any of the following actions that violate a federal or State law, regulation, rule, or governing guideline:

- 1) Failing to approve, or disapproving of, the application or project in whole or in part.
- 2) Failing to provide the amount of funds in accordance with requirements of the statutes and regulations.
- 3) Ordering the repayment of misspent or misapplied federal funds in accordance with a final audit or monitoring resolution determination.
- 4) Terminating further assistance for an approved project.

No other grounds for appeal will be accepted or considered.

To request a hearing, the appellant must file a full and complete written appeal, including the issue(s) in dispute, the legal authority (the specific federal or State law, regulation, rule or guideline that AOE's action violates) for the appeal position, and the remedy sought within 30 days of the AOE's action (e.g., notification of any action under 1 through 4 above). The request must have an original signature of the authorized agent who signed the application, if available. If that individual is not available, the request must have the original signature of the Superintendent.

The request for a hearing must be mailed or e-mailed to:

Mailing Address:

Dr. Heather Bouchey, Interim Secretary, VT Agency of Education, 1 National Life Drive, Davis 5, Montpelier, VT 05604

E-mail Address:

Heather.Bouchey@vermont.gov



Within 30 days of receiving the hearing request, the AOE will hold a hearing on the record to review its action. Pursuant to *In re Appeal of Clovis Unified School District*,¹ the applicant or recipient will receive notice of the hearing and have the opportunity to participate and be represented by counsel. The hearing will be conducted by the AOE Secretary. During the hearing, the parties will have the opportunity to present and challenge evidence through written submissions in an orderly fashion before the AOE Secretary.² No later than 10 days after the hearing, the AOE Secretary, as the impartial decision maker, will issue a written ruling on behalf of the AOE including findings of fact and reasons for the ruling. The parties may waive these deadlines by mutual consent in writing.

The AOE will rescind its action if it determines the action conflicts with federal or State laws and regulations governing the applicable program. If after review, the AOE does not rescind its action, the applicant or recipient may appeal to the Secretary of the U.S. Department of Education within 20 days of being notified of the result.

The AOE will make all records pertaining to any review or appeal of the applicant or recipient available at reasonable times and places to the applicant or recipient. This includes records of other applicants.

If an applicant applied for a subgrant under a covered program listed in 34 C.F.R. § 76.401(a), the AOE will provide an opportunity for a hearing before it disapproves the application. If the applicant applied for a hearing under a program not listed in 34 C.F.R. § 76.401(a), the AOE will provide an opportunity for a hearing either before or after it disapproves the application.

¹ See *In re Appeal of Clovis Unified School District*, U.S. Dept. of Ed. Remand Order (July 10, 1995).

² *Id.*