

**Office of Adult Education**

**SECTION 107 PROVIDER SELECTION/ALLOCATION APPEAL PROCESS  
(updated December 2020)**

Section 107(5)(c) of the 2019-20 State School Aid Act requires the intermediate school district (ISD) selected as the fiscal agent to collaborate with education advisory groups of the workforce development boards located in the prosperity region to create a local process and criteria that will identify eligible adult education providers to receive funds allocated under this section based on location, demand for services, and cost to provide instructional services. All processes, criteria, and provider determinations must be approved by the Department of Labor and Economic Opportunity, Workforce Development (LEO-WD) before funds may be distributed to the fiscal agent.

LEO-WD, Office of Adult Education's policy is to administer an appeal procedure that provides adequate and appropriate due process for program management to resolve items in dispute. The procedure outlines the basic steps to obtain this objective, but also provides flexibility to the LEO-WD Director to apply specific methods that are appropriate under each circumstance.

The appeal of a provider selection/allocation is a three-step process. The program may first appeal the provider selection to the ISD serving as the fiscal agent, in a form and manner prescribed by that intermediate school district, then to the State Director of the Office of Adult Education within the LEO-WD, and may then appeal the Office of Adult Education State Director's determination to the Director of the LEO-WD.

1. Appeals to the ISD serving as the fiscal agent must be filed within five (5) calendar days after receiving notification of the provider selection/allocation and be conducted according to local appeal guidelines. The fiscal agent determination will be communicated in writing within ten (10) days after receipt of the appeal.
2. Appeals to the State Director of Adult Services within the LEO-WD
  - a. Program appeals of the provider selection must be filed within five (5) calendar days after receiving the fiscal agent's determination. The appeal must include a description of the provider selection issue being appealed along with rationale and any legal references supporting the program's position.
  - b. As appropriate, the State Director will direct further investigation and request additional information, including information from the ISD serving as the fiscal agent.
  - c. If necessary, the State Director or designee will meet with program officials and the ISD serving as the fiscal agent.

- d. The State Director will make a determination either affirming or denying the appeal. The determination will be communicated in writing and indicate that the program has five (5) days from receipt of the decision to appeal the determination to the director of the LEO-WD.

3. Appeals to the Director of the LEO-WD

- a. A program may appeal the decision to the Director of the LEO-WD within five (5) days of receiving the decision of the State Director of Adult Services. The appeal must include a description of the provider selection issue being appealed along with rationale and any legal references supporting the program's position.
- b. The Director of the LEO-WD may make a ruling based upon the facts presented or may convene a review panel of one to three members, with the assignment of appropriate LEO-WD staff as determined by the LEO-WD director.
- c. The program will receive the written decision signed by the director of the LEO-WD. All decisions will be based on applicable laws and the policies of the LEO-WD, Office of Adult Education.