

Uniform Policy and Procedure for Handling Appeals

By Hannah Konhoff

At the April 27, 2011 State Allocation Board (SAB) meeting, the SAB adopted a uniform policy and procedure for appeals to be presented to the SAB. This policy is the result of meetings of the SAB and the Subcommittee on Rules and Procedures.

Background

On February 14, 2011, the SAB Subcommittee on Rules and Procedures met to discuss three issues: an adoption of a uniform policy to handle items up for reconsideration by the SAB, the adoption of a uniform policy and procedure for handling appeals to the SAB, and a procedure for offering other legal solutions besides a finding of Material Inaccuracy. The Subcommittee decided to revisit the reconsideration item at a later meeting before presentation to the full SAB, and the Material Inaccuracy item was discussed briefly and referred to the SAB Subcommittee on Audits.

With regard to the appeals policy and procedure item, the Subcommittee adopted a recommendation that would establish a 90-120 day timeline for processing a policy appeal, and for appeals related to health and safety issues, 60-90 days.

At the March 23, 2011 SAB meeting, staff presented the Subcommittee's recommendations. Some SAB members expressed a concern that the language in the proposal regarding requests for postponement was unclear, and that districts may be precluded from requesting a postponement once a SAB item is published. The SAB directed staff to clarify the item and bring it back to the April meeting. The revised rules and procedures were adopted at the April 27, 2011 SAB meeting to add the following to the formal [Rules and Operating Procedures of the State Allocation Board](#):

Filing an Appeal

Upon reaching a disagreement with the Office of Public School Construction (OPSC) on an item, the school district may submit an appeal. School Districts must file a *School District Appeal Request* (Form SAB 189) to begin the

IN THIS ISSUE

Click on headline to view the article.

Exciting News...

Seismic Mitigation Program Update

Uniform Policy and Procedure for Handling Appeals

"How to Apply for School Facilities Funding" Webinars

Bond Proceeds Released

Regulatory Update

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formalized appeal process for consideration by the SAB. The Form SAB 189 shall be filed with the OPSC and should state the basis for the appeal and any relevant information for resolving the dispute.

Timeline for processing an appeal

The timeframe for processing a policy appeal is 90-120 days. In the event the appeal is dealing with a health and safety issue, the appeal shall take precedence and be processed to the SAB within 60-90 days. Within five working days of receiving the appeal, the OPSC will send an acknowledgement letter informing the school district that OPSC has received the appeal, has begun processing it, and the date the item will be placed on the SAB workload. A copy of this letter shall be distributed to the Assistant Executive Officer (AEO) and the SAB Chair.

Request for Postponement

Any request for postponement by the school district or by OPSC shall be in written form addressed to the SAB Chair and Vice Chair and shall include a statement of the reasons supporting postponement. The first time the district or the OPSC requests a postponement, the request will be approved automatically, but a second request will be subject to the approval or disapproval of the SAB Chair and Vice Chair. An approval or disapproval shall be communicated in writing to the party seeking postponement within two working days of receipt of the request. If the request is received within two days of the hearing, the response shall be verbal. If approved, a new notice of the SAB meeting date shall be mailed to the school district no later than 15 days before the new SAB meeting date.

The SAB also approved the following timeline that Staff presented to be used for the processing of all appeals:

Appeals Processing Timeline

- OPSC receives the Form SAB 189 from District
- **Within 5 business days** - OPSC sends letter to the district acknowledging receipt and informing the district when the item will be placed on the SAB workload
- **Within 40 days** - OPSC, Executive Officer (EO), AEO and other relevant personnel shall meet with the school district

IN THIS ISSUE

Click on headline to view the article.

Exciting News...
.....

Seismic Mitigation Program Update
.....

Uniform Policy and Procedure for Handling Appeals
.....

“How to Apply for School Facilities Funding” Webinars
.....

Bond Proceeds Released
.....

Regulatory Update
.....

OPSC Deadlines and Key Dates
.....

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- **Within 60 days** - Initial OPSC recommendation on appeal due to EO & AEO
- **Within 65 days** - EO & AEO have five days after receiving initial OPSC recommendation to review, edit and finalize recommendation
- **Within 70 days** - OPSC mails a letter to the school district with the finalized recommendation
- **Within 80 days** - The District shall inform OPSC in writing if they agree with the recommendation or wish to move forward to have the item heard by the SAB
- Appeal is scheduled to be heard at next regular SAB meeting – thus having the hearing **within 120 days** of receipt of the appeal.

Important Update on the General Site Development Grant

Regulations to extend the General Site Development Grant until January 2012 became effective on April 27, 2011. The OPSC will present items for unfunded approvals at the June 22, 2011 SAB Meeting to add the General Site Development Grant to eligible projects that received SAB approval on or after January 1, 2011, but were processed without the grant.

IN THIS ISSUE

Click on headline to view the article.

- Exciting News... ..
- Seismic Mitigation Program Update
- Uniform Policy and Procedure for Handling Appeals
- “How to Apply for School Facilities Funding” Webinars
- Bond Proceeds Released
- Regulatory Update
- OPSC Deadlines and Key Dates

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