

### Notice of Action

Whenever an agency makes changes to child care services (for example, by approving or denying services, by changing the approved hours of care, or by terminating services), the agency must notify you by giving you a document called a “Notice of Action” (NOA).

The NOA will:

- Tell you **what** action will be taken, the reasons for the action and **the date** on which that action will be taken.
- Specify that you have a right to appeal the action on the NOA if you disagree with it, and provide you with instructions for appealing.

**Please keep a copy of your NOA.**

### What if I disagree with the action on the NOA?

You have the right to appeal.

### What is the appeal process?

There are two levels of appeal:

1. A local hearing conducted by a hearing officer who is not involved with the decision; and
2. A state review conducted by the California Department of Education (CDE) of the local hearing decision.

**NOTE:** *A state review by CDE may only be requested, if after going through the local hearing, you disagree with the decision of the agency (as noted on the decision letter from the agency).*

This document provides general information regarding the two levels of appeal described above. Please see your NOA and parent handbook for instructions on how to appeal.

### Can I continue to receive services during the appeal process?

Yes. When you submit a request for a local hearing within 14 calendar days of the date the NOA was received, you will continue to receive services in accordance with your last service agreement until the appeal process is completed or abandoned.

Your appeal will be considered abandoned if:

- You do not submit a request for local hearing within 14 calendar days of receiving your NOA; or
- You (or your authorized representative) do not attend the local hearing; or
- You do not submit a timely request for the CDE’s review after the local hearing process has taken place.

### How do I request a local hearing?

To request a local hearing, you must notify the agency within 14 calendar days of the date the NOA was received. You may:

- Complete the second page of the NOA and mail, fax, deliver, or email a copy to your agency; or
- Submit your request using any other communication method identified in your parent handbook.

**Please keep a record of how/when you submitted your request.**

**You have the right to:**

- Review the information in your family data file.
- Have another person (called an “authorized representative”) attend the local hearing with you, or on your behalf.
- An interpreter, if needed.

### How will the agency let me know when my local hearing is scheduled?

Within 10 calendar days of receiving your timely request, the agency will provide you with a notice telling you the date, time and place of the local hearing.

### What happens at the local hearing?

At the local hearing,

- The hearing officer will explain the reason for the NOA.
- You (and/or your authorized representative) will be able to explain the reasons why you think the action on the NOA is wrong.
- You will be able to ask questions about the agency’s decision.

You should bring any documents/information that support why you think the action is wrong.

The hearing officer will make a decision based on the information provided at the hearing.

### When will I be informed of the local hearing decision?

Within 10 calendar days after your local hearing, the hearing officer will mail or deliver a written decision letter to you. The decision letter will tell you how to request the CDE’s review, if you do not agree with the decision.

### What if I disagree with the hearing officer’s written decision letter?

You have the right to request a review of the local decision by the CDE. The CDE must get your request within 14 calendar days from the date on the local agency’s decision letter.

**Your request to the CDE must include the following information:**

- A copy of both sides of the original NOA with which you disagree;
- A copy of the written decision letter from the local hearing; and
- A statement (e.g., letter) explaining why you disagree with the local hearing officer's decision.

You may mail, fax or deliver your request to:

California Department of Education  
Early Education and Support Division  
Attn: Appeals Coordinator  
1430 N Street, Suite 3410  
Sacramento, CA 95814  
Phone: 916-322-6233  
Fax: 916-323-6853

**What happens during the CDE review?**

If the CDE receives your request within 14 calendar days of the date on the local agency's decision letter, the CDE will:

- Review the information provided.
- Contact you and/or the agency which issued your NOA if necessary.

The CDE has up to 30 calendar days to make a decision and mail a final decision letter to you and to the agency which issued your NOA.

**What happens next?**

- If the CDE grants your appeal, the decision letter will include direction to the agency regarding continued services.
- If the CDE denies your appeal, the action on the NOA will become effective.

The CDE's decision is the final administrative decision and agencies must follow the CDE's decision.

**For further information or to ask a question about the appeal process, please contact your child care agency at:**

Agencies should insert the following information:  
Agency's Name  
Agency's Address  
Phone number parents should call



**Parent Appeal Information Pamphlet**

California Department of Education  
March 2014

Based on:  
California Code of Regulations,  
Title 5, Section 18118 Et Seq.

This flyer is mandatory only to the extent that it cites a specific statutory and/or regulatory requirement. Any portion of this flyer that is not supported by a specific statutory or regulatory requirement is not prescriptive pursuant to California *Education Code*, Section 33308.5. For regulations regarding parental appeal rights, see *California Code of Regulations*, Title 5 (5 *CCR*), Section 18118 et seq.