

## Delaware Stars for *Early Success*

<b>Policy Area</b>	Program Designation
<b>Policy</b>	<b>Appeals</b>
<b>Date</b>	September 15, 2009
<b>Revision(s)</b>	July 1, 2014; February 21, 2012
<b>Recorded</b>	Delaware Stars Website

### **Revision 7.1.14**

During an appeal, the Program retains the current Star Level Designation and the same tiered reimbursement level until the determination is complete.

### **February 21, 2012**

The Appeals Process regarding ERS assessments, verification for Star Level Designations and suspension from Delaware Stars is posted on the Delaware Stars website. The Appeals Process involves two levels of review with the first level as an internal review and the second level a review by the Stars Management Team, including state agency members. The request form for appeals, the *Technical Review/Dispute Resolution Form*, is posted on the Delaware Stars website.

See Also:

Appeal Procedures

Level 1 Technical Review form

Level 2 Technical Review form

## **Appeals Process**

### **Overview:**

The appeals process for Delaware Stars for Early Success involves two separate processes, the Technical Review Process and the Dispute Resolution Process. A program may choose to participate in either or both processes. The purpose of these processes is to ensure that an accurate Rating is arrived at for any participating program and that any other grievances are addressed through due process. The Dispute Resolution Process may also be used to appeal a decision to terminate a program from Delaware Stars. Changes in a program or issues that arise from an assessment must be considered through one of these processes.

### **Technical Review:**

#### **Level 1 Review**

A program may initiate a Technical Review of its ERS rating or Standards review within 30 calendar days of the date that the program received its rating results or verification review of Standard for a Star Level Designation. The purpose of the Technical Review is to correct errors in documentation or calculations in the rating or if there were discrepancies in how Standards were verified.

To initiate a Technical Review a program must complete a "Request for Technical Review/Dispute Resolution Form" available on the Stars website. On this form the program should indicate error(s) in the ERS rating or Standards verification and provide documentation of the correct information. The Deputy Director and the Assessment Coordinator or Verification Specialist (as appropriate for the Review) will evaluate the Request form and accompanying documentation. This evaluation and determination of error(s) is at the sole discretion of the Delaware Stars. If the review reveals any errors, then the program's rating score(s) will be adjusted and documentation will be generated (both in paper and electronic forms where appropriate) for the program indicating the new rating.

Delaware Stars will issue a decision on a Level 1 Technical Review within 30 calendar days of its initiation. Errors brought forward after the 30 day period following the receipt of the ERS rating results or Verification for Star Level Designation will not be subject to review.

#### **Level 2 Review**

If the program continues to not be satisfied with the results of the ERS rating or Verification for Star Level Designation, they may request a review by the Management Team for Delaware Stars. The request for the second level of review must be submitted within 10 days of receipt of the Level 1 Review. The program must submit any accompanying documentation with the request for review. The program should provide specific reasons as to why they do not agree with the report and response to the Level 1 Dispute. The Management Team for Delaware Stars will review the request form and accompanying documentation.

Delaware Stars will issue a decision by the Management Team on a Level 2 Technical Review within 30 calendar days of its initiation. Issues brought forward after the 10 day period following the receipt of the Level 1 Technical Review from Delaware Stars will not be subject to further review.

## **Dispute Resolution:**

### **Level 1 Review**

A program may initiate a Dispute Resolution Process within 30 calendar days of receiving its ERS ratings results or Verification of Star Level Designation. This process is used to address instances where established Delaware Stars protocols were not used with fidelity, to address instances where any component of the rating was applied inappropriately or to address instances of inappropriate or unprofessional actions on the part of a Delaware Stars employee or subcontract employee of Delaware Stars that resulted in an incorrect rating. To initiate a Dispute Resolution a program must complete a "Request for Technical Review/Dispute Resolution Form" available on the Stars website. On this form the program should indicate in detail, using additional pages if necessary, the scope of the problem and provide as much documentation as possible. The Assessment Coordinator, Senior Technical Assistant, and Deputy Director for Delaware Stars will review the request form and accompanying documentation. This evaluation and determination of error(s) is at the sole discretion of Delaware Stars. If the review reveals any errors then the program's rating score(s) will be adjusted and documentation will be generated (both in paper and electronic forms where appropriate) for the program indicating the new rating and/or Star Level Designation. Should the review reveal improper actions on the part of a Delaware Stars employee, these matters will be handled internally by Delaware Stars.

Delaware Stars will issue a decision on a Level 1 Dispute Resolution within 30 calendar days of its initiation.

Issues brought forward after the 30 day period following the receipt of the ERS rating results or Verification for Star Level Designation will not be subject to review.

### **Level 2 Review**

If the program is not be satisfied with the results of the Dispute Resolution, they may request a review by the Management Team for Delaware Stars. The request for the second level of review must be submitted within 10 days of receipt of the Level 1 Review. The program must submit any accompanying documentation with the request for review. The program should provide specific reasons as to why they do not agree with the report and response to the Level 1 Dispute. The Management Team for Delaware Stars will review the request form and accompanying documentation.

Delaware Stars will issue a decision by the Management Team on a Level 2 Dispute Resolution within 30 calendar days of its initiation.

Issues brought forward after the 10 day period following the receipt of the Level 1 Dispute Resolution Report from Delaware Stars will not be subject to further review.

### **Dispute Resolution for Suspension from Delaware Stars:**

#### **Level 1 Review:**

A program may initiate a Dispute Resolution Process within 30 calendar days of receiving its letter terminating it from Delaware Stars. To initiate a Dispute Resolution a program must complete a "Request for Technical Review/Dispute Resolution Form" available on the Stars website. On this form the program should indicate in detail, using additional pages if necessary, reasons why the program should not be suspended from Delaware Stars and provide as much documentation as possible. The Management Team for Delaware Stars will review the request form and accompanying documentation. Review of suspension from Delaware Stars is at the sole discretion of Delaware Stars. The Management Team for Delaware Stars will review the request form and accompanying documentation. If sufficient information is available to determine that a program should not be suspended from Delaware Stars, the decision will be reversed.

Delaware Stars will issue a decision by the Management Team on a Dispute Resolution for Suspension within 30 calendar days of its initiation.

Issues brought forward after the 30 day period following the receipt of the letter suspending a program from Delaware Stars will not be subject to review.

#### **Level 2 Review for Suspension from Delaware Stars**

If the program is not be satisfied with the results of the Level 1 Dispute Resolution for Suspension, they may request a review by a designated State Team for Delaware Stars. This team will be determined by the Department of Education. The request for the second level of review must be submitted within 10 days of receipt of the Level 1 Review. The program must submit any accompanying documentation with the request for review. The program should provide specific reasons as to why they do not agree with the report and response to the Level 1 Dispute. The State Team will review the request form and accompanying documentation.

Delaware Stars will issue a decision by the State Team on a Dispute Resolution for Suspension within 30 calendar days of its initiation.

Issues brought forward after the 10 day period following the receipt of the Level 1 Dispute Resolution for Suspension Report from Delaware Stars will not be subject to further review.