



## How to File an ESA Appeal

If Arizona's ESA program made a decision you disagree with, you do have the right to appeal. This guide walks you through it simply.

### Step 1: Check If Your Issue Can Be Appealed

You can appeal specific administrative decisions, including:

- Your child's ESA application was denied
- An ESA expense was rejected and you believe it should be allowed
- Your ESA account was suspended or terminated
- ADE says your child is no longer eligible
- Another ADE administrative action that directly affects your ESA account

You cannot appeal general ESA rules or laws (only decisions that affect your account).

### Step 2: Know Who Handles Appeals

ESA appeals are handled by the Arizona State Board of Education (SBE) not the Arizona Department of Education (ADE).

- Appeals for ADE decisions made on or after January 1, 2021 go through SBE
- Decisions made before January 1, 2021 must be appealed through ADE

If your decision is recent, it almost certainly goes to SBE.

### Step 3: Watch the Deadline (This Matters!!!)

You usually have 30 days from the date on ADE's decision letter to file your appeal.

- Missing the deadline means the appeal will not be considered
- Filing early is strongly recommended

### Step 4: Gather What You Need

Before submitting your appeal, collect:

- The ADE decision notice (email or letter)
- Your name and contact information
- Your child's initials only (do not use full name)
- A short explanation of:
  - What decision you are appealing
  - Why you believe the decision is incorrect

### Optional but Very Important: Requesting a "Stay"

If your ESA account was suspended or terminated, you may request a stay. A stay may allow you to continue accessing ESA funds while the appeal is pending.

- A stay is not automatic
- You must clearly request it in writing when you file your appeal

### **Step 5: Fill Out the ESA Appeal Form**

You must use the official [SBE ESA Appeal Form](#).

Tips:

- Be clear and factual
- Stick to what happened and why the decision should be changed
- Avoid emotional language (facts matter most)

An appeal that is missing required information is considered administratively incomplete and cannot move forward.

### **Step 6: Submit Your Appeal**

Email your completed appeal to the Arizona State Board of Education to the email [esafeedback@azsbe.az.gov](mailto:esafeedback@azsbe.az.gov)

After submission:

- You will receive an automatic email confirmation
- SBE staff will review your appeal within 7-12 business days

Tip: Keep copies of everything you submit.

### **Step 7: What Happens After You File**

Administrative Review

- SBE reviews your appeal for legal completeness
- Once complete, ADE is formally notified and included on all future emails

Hearing Process (If Applicable)

- An Administrative Law Judge (ALJ) oversees ESA appeal hearings
- Hearings are scheduled through the Office of Administrative Hearings (OAH)
- SBE does not control the hearing date

Hearing location:

- Hearings are held virtually
- Login details are provided by OAH

If you cannot attend the scheduled date, you must contact OAH directly to request a change.

### **Do I Need a Lawyer?**

No. An attorney is not required. Parents may represent themselves or hire an attorney if they choose.

### **Is a Hearing the Only Option?**

Not always. Some appeals may be resolved through an Informal Settlement Conference (ISC) instead of a formal hearing.

### **After the Hearing**

- The ALJ may issue a recommendation at the hearing or later in writing
- SBE will send the recommendation to both the parent and ADE

The State Board may:

- Accept the recommendation
- Reject it
- Modify it

Parents receive at least 20 days' notice before the Board considers the recommendation. Note: The State Board does not meet in July or November.

### **Speaking to the Board**

Parents may:

- Submit a written public comment
- Speak during the public comment portion of a Board meeting (time limits apply)

This is optional and separate from the legal appeal itself.

### **If You Need Help (But Not an Appeal)**

If the issue is confusion, delays, or communication problems:

ADE ESA Unit Phone Number: (602) 364-1969

Email: ESACallCenter@azed.gov

Arizona Ombudsman–Citizens' Aide (Helps resolve administrative issues but does not decide appeals): 602-277-7292

### **Final Notes for Parents**

- Be calm, clear, and organized
- File early and keep records
- A denial is not the end as appeals exist for a reason
- Facts and documentation matter more than emotion

**Resources:**

[Appeal Process Flowchart](#)

[Appeal FAQs](#)

[Hearing vs. Informal Settlement Conference](#)

[Office of Administrative Hearings \(OAH\) FAQs](#)

[Appeal Checklist](#)

[Appeal Form](#)

[Empowerment Scholarship Account \(ESA\) Program | State Board of Education](#)

[Empowerment Scholarship Accounts \(ESA\) – Arizona Ombudsman Citizens' Aide](#)