

Federal Grant Appeals Process

Last Updated: May 3, 2023

Applicants have the right to appeal the decision to decline an award in a competition. Interested applicants must follow the steps described below to submit an appeal for review by DPI.

(1) Applicability. This policy applies to all appeals relating to decisions by the Department of Public Instruction (DPI) regarding all federal grants covered by 34 CFR § 76.401(d)(2).

(2) Filing of appeals. Appeals may be sent by email to benjamin.jones@dpi.wi.gov or by mail to:

Office of Legal Services
Wisconsin Department of Public Instruction
125 South Webster Street
P.O. Box 7841
Madison, WI 53707-7841

Appeals must be emailed or postmarked within 30 days after the date of the DPI's official notification of the decision. 34 CFR § 76.401(d)(3). A request for a hearing must meet the requirements of Wis. Admin. Code § PI 1.03 and Wis. Stat. § 227.42 and should describe all of the following:

- The department's action on which a hearing is requested.
- The substantial interest that is claimed to be adversely affected.
- How the department's action adversely affected the substantial interest.
- The grounds for the hearing request, including each of the specific material facts or legal issues that are in dispute. Any material fact or legal issue that is not disputed shall be deemed admitted.
- The relief sought.

(3) Review and decision. If an appeal meeting the requirements in (2) above is received, DPI will hold a hearing under Wis. Admin. Code § PI 1.07 within 30 days after receipt of the request and will issue a written decision under Wis. Admin. Code § PI 1.08 no later than 10 days after the hearing. 34 CFR § 76.401(d)(4)(i) and (ii).

For grants in programs listed below, the applicant has a right to notice and an opportunity for a hearing before the application is denied (34 CFR § 76.401(a)).

Program	Authorizing statute
Chapter 1, Program in Local Educational Agencies	Title I, Chapter 1, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2701 –2731, 2821–2838, 2851–2854, and 2891–2901)
Chapter 1, Program for Neglected and Delinquent Children	Title 1, Chapter 1, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2801 –2804)
State Grants for Strengthening Instruction in Mathematics and Science	Title II, Part A, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2981 –2993)
Federal, State, and Local Partnership for Educational Improvement	Title I, Chapter 2, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2911 –2952 and 2971–2976)
Assistance to States for Education of Handicapped Children	Part B, Individuals with Disabilities Education Act (except Section 619) (20 U.S.C. 1411 –1420)
Preschool Grants	Section 619, Individuals with Disabilities Education Act (20 U.S.C. 1419)
Chapter 1, State-Operated or Supported Programs for Handicapped Children	Title 1, Chapter 1, Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 2791 –2795)
Transition Program for Refugee Children	Section 412(d), Immigration and Naturalization Act (8 U.S.C. 1522(d))
Emergency Immigrant Education Program	Emergency Immigrant Education Act (20 U.S.C. 3121 –3130)
Financial Assistance for Construction, Reconstruction, or Renovation of Higher Education Facilities	Section 711, Higher Education Act of 1965 (20 U.S.C. 1132b)