**Section 254.398 Opportunity for Hearing**

Any eligible recipient dissatisfied with the status or disposition of any application for approval and funding or any claim for reimbursement, or any audit conducted by the State Board of Education, may request a review of such status or disposition through the following appeal procedure:

a) Step 1.

1) Within 30 days of notification by the State Board of Education of the status or disposition in question, the chief administrator of the eligible recipient dissatisfied with such status or disposition shall submit a written request for review to the State Board of Education stating the reasons for such request.

2) Within 15 days of receipt of such a request, the status or disposition in question will be reviewed by the Assistant Superintendent or designated staff of the State Board of Education and a written response made to the eligible recipient.

b) Step 2.

1) The written response required in Step 1 shall include a notice of opportunity for a hearing which informs the recipient of the right to a hearing pursuant to the provisions of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.). The notice shall also contain a copy of the rules adopted by the State Board of Education governing administrative hearings (23 Ill. Adm. Code 475 (Contested Cases and Other Formal Hearings)). The formal hearing will be conducted in accordance with the Administrative Procedure Act and these rules.

2) The Vocational Education Act permits further appeal under judicial review of the State Board of Education's final decision: *"If any eligible recipient is dissatisfied with the final action of the State Board . . . with respect to approval of its local application, such eligible recipient may, within sixty days after such final action or notice thereof, whichever is later, file with the United States Court of Appeals for the circuit in which the state is located a petition for review of that action."* (20 U.S.C. 2464 (c))

(Source: Amended at 12 Ill. Reg. 2282, effective January 15, 1988)