Due Process Hearings

Consequences of Not Funding this Program

Constituents will be denied due process and a mechanism to contest the actions of state agencies determining their legal rights and in resolving other types of disputes lawfully.

Statutory Basis			Mandatory vs. Discretionary		MOE/Match Rqt.		Priority Level	
Specific	K.S.A. 75-37,121		Mandatory		No		1	
Specific	K.S.A. 77-561		Mandatory		No		1	
Specific	K.S.A. 77-562		Mandatory		No		1	
Specific	K.S.A. 59-29a26		Mandatory		No		2	
Specific	7 CFR § 273.15		Mandatory		No		2	
Specific	7 CFR § 273.16(a)-(f)		Mandatory		No		2	
Specific	34 CFR § 361.57		Mandatory		No		2	
Specific	45 CFR § 205.10		Mandatory		No		2	
Specific	42 CFR § 431.151		Mandatory		No		2	
Specific	42 CFR § 431.200		Mandatory		No		2	
Specific	42 CFR § 483.204		Mandatory		No		2	

Program Goals

A. Deliver administrative due process for cases within timeframes specified by applicable law.
B.Deliver administrative due process for parties efficiently and economically.

Program History

Performance Measures

Outcome Measures	*Goal*	*FY 2019*	*FY 2020*	*FY 2021*	*3- yr. Avg.*	*FY 2022*	*FY 2023*
1. Rank OAH cost per case vs other states	B	2nd lowest cost	3rd lowest cost	7th lowest cost	4th lowest cost	6th lowest based on FY21 data	6th lowest based on FY21 data
2. Average days per decision	B	90	85	87	86	90 or less	90 or less
3. Average cases per judge	B	1,014	905	656	858	526	485
4. Volume, completion, and status of fiscal	A						
5. Number of appeals filed	A	3276	2762	1855	2631	2,631	2801
6. Number of appeals closed	A	3116	2833	1967	2638	2,701	2863
7. Pending FY carryover appeals	A	779	858	768	801	802	781
8. OAH Cost per case	B	256	311	486	351	435	428
Output Measures							
9. Consistent application of all strategies occurs throughout the fiscal year.	A						
10. No OAH case decisions in this fiscal year were issued in violation of an adjudication deadline required by law.	A						
11. Parties often waive adjudication deadlines. Continuations must be justified by good cause and serve to lawfully extend the ordinary due dates otherwise specified by procedural guidelines.	A						

Funding

Funding Source	*FY 2018*	*FY 2019*	*FY 2020*	*FY 2021*	*FY 2022*	*FY 2023*
State General Fund	$ -	$ -	$ -	$ -	$ -	$ -
Non-SGF State Funds	$ 1,088,574	$ 1,036,569	$ 1,125,150	$ 1,187,769	$ 1,491,479	$ 1,533,927
Federal Funds	$ -	$ -	$ 49	$ 44,203	$ -	$ -
Total	$ 1,088,574	$ 1,036,569	$ 1,125,199	$ 1,231,972	$ 1,491,479	$ 1,533,927

Notes:
OAH is working to set up a Bench Bar Committee to obtain input and improve services to constituents
OAH is working on text notification of hearings for constituants to red defaults for failure to participate
OAH is working on a fillable and submittable PDF for the unrepresented to more easily gain access to e-Filing
OAH is an off-budget fee funded agency