



**CALIFORNIA DEPARTMENT
OF EDUCATION**

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**California Department of Education
Direct Investigations Office
Investigation Report
Case Matter No. 2025-0123**

Redacted Copy

Local Educational Agency: Tahoe Truckee Unified School District (TTUSD)
Date Complaint Received by the CDE: June 27, 2025
Subject of Complaint: Discrimination on the Basis of Gender Identity and Expression
Report Mailed: September 29, 2025

INVESTIGATION PROCEDURES AND DETERMINATION

The California Department of Education (CDE) received a complaint requesting the CDE directly investigate a decision made by the Tahoe Truckee Unified School District (TTUSD or District) School Board on June 25, 2025, that was alleged to be discriminatory as to a certain subset of students defined by characteristics protected under California law. In response, the CDE engaged in a review of responses to questions CDE posed to both the Complainant and District, and a review of publicly available information. The CDE reached a determination that the complaint has merit, pursuant to the *California Code of Regulations*, Title 5 (5 CCR), Section 4664(a)(5), consistent with the details found in the Conclusion section of this Investigation Report.

SUMMARY OF COMPLAINT AND ALLEGATION

On June 27, 2025, the CDE received written communication from the complainant, ----- . In that communication, the complainant discussed concerns relative to an official action taken by the TTUSD School Board on June 25, 2025. The complainant stated:

On June 25, 2025, TTUSD's Board of Trustees voted unanimously to remain in the NIAA [Nevada Interscholastic Activities Association] indefinitely, abandoning its previous plan to move to CIF [California Interscholastic Federation]. This decision disregards the harmful impact of the NIAA's discriminatory policy that forces athletes to compete based on biological sex, which directly contradicts California's Education Code and the protections enshrined in AB 1955.

By refusing to leave the NIAA, TTUSD is undermining the rights of transgender students and violating the very legal and ethical obligations that safeguard students in our state.

In that same communication the complainant specifically requested of the CDE:

I respectfully request that your office investigate this issue and pursue appropriate legal remedies to ensure TTUSD aligns with California's inclusive policies.

JURISDICTION

The CDE's jurisdiction to address the Complainant's request to determine whether the TTUSD School Board's action on June 25, 2025, relative to athletic organization membership, is discriminatory as to transgender students is set forth in subparagraph (F) of paragraph (1), of subdivision (a) of California *Education Code (EC)* Section 33315 and paragraph (5) of subsection (a) of 5 *CCR*, Section 4650.¹

The CDE elected to directly intervene, determining that TTUSD's decision as to whether to transition from NIAA to CIF (referred to as "the decision") raised serious questions as to whether remaining with NIAA could result in immediate denial of a student's right to be free from discrimination. Additionally, the CDE determined that referring the complaint to the District would be futile inasmuch as the District's Board itself agreed to remain with NIAA and, therefore, District administrators were not in a position to make a final determination as to the legality of the decision.

PROCEDURES OF THE INVESTIGATION

The procedures undertaken in this investigation are governed by the Uniform Complaint Procedures (UCP) statute and regulations. In this case, the investigation consisted of a review of the responses to questions that CDE posed to both the Complainant and District, and publicly available information from NIAA's website and the TTUSD's Board meetings on May 7, 2025, May 14, 2025, June 13, 2025, and June 25, 2025. This included a review of the minutes, and the Board's guidance regarding the decision. No witnesses were interviewed as the decision was documented on the District's website and captured in the TTUSD Board of Trustees, June 2025 meeting video.

FINDINGS OF FACT

Pertinent to the allegation set forth above in the Summary of the Complaint and Allegation, the CDE makes the following findings of fact:

1. On April 2, 2025, the NIAA released an updated Policy titled Nevada Interscholastic Activities Association Student Eligibility and Participation Position Statement.

The content of the updated Policy reads as follows:

¹ The relevant text of the applicable statutes and regulations are included in **Appendix A** attached to this report.

Preamble

...Gender equity requires the NIAA to create an atmosphere and environment where opportunities and resources are offered fairly and safely to male and female athletes based on their sex. The 2023 Equal Rights Amendment to the Nevada Constitution prevents the denial of equal rights on account of sex or gender identity or expression. No student athlete will be denied the opportunity to participate in NIAA sanctioned sports on the basis of sex or gender identity or expression. However, due to sex-linked differences in physical development and athletic performance only sex, and not gender identity or expression, can be considered a relevant characteristic for eligibility on a girls' or women's team or sanctioned sports.

Student Eligibility and Participation

The NIAA hereby adopts as its official position and policy on student eligibility and participation the following guidelines to direct the NIAA and its member schools regarding student eligibility and participation in situations where participation opportunities are divided on the basis of sex.

- *A. Definitions: The terms set forth below shall have the meaning ascribed to them following each term:*

...Sex: "Sex" or "birth sex" refers to an individual's immutable biological classification as either male or female. The term "sex" is not a synonym for and does not include the concept of "gender identity."...

- *B. Eligibility: For purposes of sex eligibility in the NIAA:*
 - 1) *Athletes shall be confirmed as male by the designation of "male" on the NIAA preparticipation physical form.*
 - 2) *Athletes shall be confirmed as female by the designation of "female" on the preparticipation physical form. Note: The complete absence of male androgenization (e.g. CAIS) as confirmed through the preparticipation physical can result in eligibility for a girls' team or sanctioned sport.*
- *C. Participation: The participation of all student athletes in NIAA sanctioned sports shall be determined in accordance with NAC 385B.334, and the following:*

A male student-athlete shall only be allowed to participate in a NIAA sanctioned sport in accordance with his sex on teams designated for boys or on coed designated teams.

A female student athlete shall be allowed to participate in a NIAA sanctioned sport on teams designated for girls or teams designated as coed. A female

student athlete may also participate on a team designated for boys if there is no corresponding team available for girls, and the female student athlete qualifies for the team.

All student athletes are required to accurately complete a Medical History Form as part of the Preparticipation Physical to obtain athletic eligibility. The student athletes' physician must complete a Preparticipation Physical Evaluation and Physical Examination Form which shall be retained in the physician's records for the student athlete. The physician shall thereafter complete a Medical Eligibility Form for the student athlete. The completed and approved Medical Eligibility Form shall act as certification for the student in sanctioned sports that are based on sex. The Medical Eligibility Form shall include the student's birth sex and must be signed by the student, the student's parent or guardian and physician or other medical provider conducting the...

(This finding is based on the official NIAA website: [Nevada Interscholastic Activities Association Student Eligibility and Participation Position Statement](#))

2. On May 7, 2025, at a regular meeting of the TTUSD School Board, the Superintendent provided an update for the Board, Athletic Regulatory Changes (ARC), titled: "11.2 Update on Athletic Regulatory Changes and legal Implications for TTUSD".

The content of the update reads as follows:

Recent Nevada Interscholastic Activities Association (NIAA) policy changes regarding student-athlete eligibility based solely on biological sex directly conflict with California laws protecting gender identity and expression, including AB 1955, which guarantees students' rights to privacy and protects them from discrimination. After careful consideration and a thorough review of our current policies and legal obligations, TTUSD will transition from NIAA to the California Interscholastic Federation (CIF) beginning in the 2025-2026 school year. Switching to CIF ensures we remain compliant with state legal requirements.

Recommendation: Information only: Superintendent Kramer will provide an update on recent NIAA policy revisions, legal implications for TTUSD, and the transition to the California Interscholastic Federation (CIF).

(This finding is based on the official TTUSD website: [View Board Meeting Minutes May 7, 2025](#))

3. On May 14, 2025, in a special Board meeting of the TTUSD School Board, the Superintendent provided a second update for the Board, ARC, titled: "10.1 Second Update on Athletic Regulatory Changes and legal Implications for TTUSD".

The content of the update was the same as that in the May 7 update above.

(This finding is based on the official TTUSD website: [View Special Board Meeting Minutes May 14, 2025](#))

4. On June 13, 2025, in a meeting of the TTUSD School Board, the Superintendent provided an update for the Board, ARC, titled: "4.1 Athletic Board Study Session".

The content of the update reads as follows:

The board will hear an update from Superintendent Kramer and the district athletic committee regarding the logistics of transitioning from the NIAA to the CIF for the 2026-2027 school year. The study session will provide time for the board to have an extended discussion.

Recommendation: Conduct a study session

(This finding is based on the official TTUSD website: [View Board Meeting Minutes June 13, 2025](#))

5. On June 13, 2025, in a meeting of the TTUSD School Board, the Superintendent presented a summary of information titled: "Athletic Board Study Session".

The content of the study session reads as follows:

BOARD STUDY SESSION

The board will hear an update from Superintendent Kramer and the district athletic committee regarding the logistics of transitioning from the NIAA to the CIF for the 2026-2027 school year. The study session will provide time for the board to have an extended discussion.

BACKGROUND INFORMATION

Recent Nevada Interscholastic Activities Association (NIAA) policy changes regarding student-athlete eligibility based solely on biological sex directly conflict with California laws protecting gender identity and expression, including AB 1955, which guarantees students' rights to privacy and protects them from discrimination.

At the May 7th board meeting, Superintendent Kramer provided a presentation on the NIAA Athletic regulatory changes and plan for the TTUSD transition from the Nevada Interscholastic Activities Association (NIAA) to the California Interscholastic Federation (CIF) beginning in the 2025-2026 school year. The school board and district staff received feedback from the community both prior written public comments and during public comment at the board meeting. At the special board meeting on May 14th, the board heard further information

about the legal implications and the pros and cons of a 1-year delay for the switch to CIF. The board gave guidance to implement a one-year delay.

(This finding is based on the official TTUSD website: View [Athletic Study Session PDF June 13, 2025](#))

6. On June 25, 2025, in a regular meeting of the TTUSD School Board, the Superintendent made a presentation to the Board titled: 10.2 Third Update on Athletic Regulatory Changes and Legal Implications for TTUSD.

The content of the update reads as follows:

Recent Nevada Interscholastic Activities Association (NIAA) policy changes regarding student-athlete eligibility based solely on biological sex directly conflict with California laws protecting gender identity and expression, including AB 1955, which guarantees students' rights to privacy and protects them from discrimination. After careful consideration and a thorough review of our current policies and legal obligations, TTUSD will transition from the Nevada Interscholastic Activities Association (NIAA) to the California Interscholastic Federation (CIF) beginning in the 2025-2026 school year. Switching to CIF ensures we remain compliant with state legal requirements.

Recommendation: Information only: Superintendent Kramer will provide an update on recent NIAA policy revisions, legal implications for TTUSD, and the transition to the California Interscholastic Federation (CIF).

(This finding is based on the official TTUSD website: [View Board Meeting Minutes June 25, 2025](#))

7. On June 25, 2025, in a regular meeting of the TTUSD School Board, the Superintendent prepared a staff report to the Board (titled: Third Update on Athletic Regulatory Changes and Legal Implications for TTUSD).

The content of the Staff Report Reads as follows:

ACTION REQUESTED

Information only: Superintendent Kramer will provide a third update on recent NIAA policy revisions, legal implications for TTUSD, and the transition to CIF, and seek guidance from the school board on potential next steps.

BACKGROUND INFORMATION

Recent Nevada Interscholastic Activities Association (NIAA) policy changes regarding student-athlete eligibility based solely on biological sex directly conflict with California laws protecting gender identity and expression, including AB 1955, which guarantees students' rights to privacy and protects them from discrimination.

At the May 7th board meeting, Superintendent Kramer provided a presentation on the NIAA Athletic regulatory changes and plan for the TTUSD transition from the Nevada Interscholastic Activities Association (NIAA) to the California Interscholastic Federation (CIF) beginning in the 2025-2026 school year. The school board directed the superintendent and district staff to investigate the legal ramifications and potential waivers of delaying the CIF transition.

At the special board meeting on May 14th, the board heard further information about the legal implications and the pros and cons of a 1-year delay for the switch to CIF. The board gave guidance to implement a one-year delay.

At the board study session on June 13th, staff shared additional details on the complexities of moving to the CIF and provided time for Board members to ask questions. Staff shared CIF league scheduling timelines. For Truckee High School to secure a favorable league placement in the 2026/2027 school year, TTUSD needs to commit to CIF by August 2025. This conflicts with the School Board's previous direction on May 15th [sic] to use a full-year delay to allow for community engagement, cost analysis, and facility planning for sports like soccer and tennis.

(This finding is based on the official TTUSD website: [Board Item Staff Report Third Update Athletic Regulatory Changes and Legal Implications for TTUSD, June 25, 2025](#)).

8. On June 25, 2025, in a regular meeting of the TTUSD School Board, the Superintendent presented a slide deck to the Board requesting updated guidance regarding how to move forward relative to ART titled: Third Update on Athletic Regulatory Changes and Legal Implications for TTUSD.

The content of Slide 6 Reads as follows:

Board Guidance

- ***Option 1***
 - *Extend the delay of joining CIF to the 2027-2028 School Year*
- ***Option 2***
 - *Extend the delay indefinitely (or in other words, remain in NIAA)*
- ***Option 3***
 - *Other Board guidance*

(This finding is based on the presented slide deck provided to the CDE by the LEA: [Third Update on Athletic Regulatory Changes and Legal Implications for TTUSD](#)).

9. On June 25, 2025, in a regular meeting of the TTUSD School Board, the Superintendent requested updated Board guidance regarding how to move forward relative to ART titled: TTUSD Board of Trustees, June 25, 2025.

The content of the video, as summarized by the CDE, documents the Board members' guidance as follows:

Superintendent requested guidance and recommended option 2

Board Member 1: Option 2

Board Member 2: Agreed with Board member 1, staying with NIAA (i.e., Option 2)

Board Member 3: Option 2

Board Member 4: Remaining in NIAA, but not necessarily indefinitely (i.e., Option 1)

Superintendent summarizes that the Superintendent will communicate to the athletic committee and both NIAA and CIF that the District is to remain with NIAA and that there are no immediate plans to switch to CIF which will allow CIF to plan for the upcoming years.

(This finding is based on the Board Meeting Video available online [1:19-1:45], with deliberation from 1:32 to 1:45: [TTUSD Board of Trustees, June 2025](#)).

APPLICABLE AUTHORITY

California has stated an intent to allow all persons in public schools to be free of discrimination based on characteristics enumerated in California law. Among other such protected characteristics, California expressly prohibits discrimination by public education agencies on the basis of gender, gender identity, gender expression and sexual orientation (*EC* sections 200 and 220)

EC Section 221.5(f) provides in relevant part:

A pupil shall be permitted to participate in sex-segregated school programs . . . including athletic teams and competitions . . . consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

APPLICATION OF LAW TO FINDINGS OF FACT

As the *EC* Section 220 makes clear, the prohibition against discrimination based on gender, gender identity, gender expression, and sexual orientation applies to *all*

persons in public schools. Thus, the right to be free from discrimination applies to students. The decision to maintain membership with NIAA after its adoption of its April 2, 2025, updated eligibility policy facially violates the prohibition against discrimination set forth in *EC* 220 for the reasons set forth below.

Summary of Analysis

The basis for determining that the decision violates the non-discrimination provisions of *EC* Section 220, is that NIAA's policy changes regarding student-athlete eligibility based solely on biological sex directly conflict with California laws protecting gender identity and expression, including *EC* Section 221.5(f), which permits students to participate on the athletic team consistent with their gender identity. NIAA's updated eligibility policy effectively singles out, applies to and *only* affects a particular group of students defined by legally protected characteristics. The basis for finding noncompliance is discussed in detail below.

Facially Discriminatory Decision

The decision on its face fails to comply with the nondiscrimination requirements in *EC* Section 220. Specifically, NIAA's student eligibility policy (SEP) recognizes only biological sex for the participation in female sports and requires student athletes to submit a Medical Eligibility Form (MEF) that requires the student's birth sex, confirmed with a signature by the student, guardian, and medical professional.

The inherent nature of the information required singles out students who identify with or express a gender other than that identified at birth. Indeed, the very information that is mandatory to fill out in the MEF constitutes a self-identification of the student as a member of a class of persons who fall within the statutory protections of *EC* Section 220 relative to non-discrimination. NIAA's SEP explicitly requires students to confirm their birth sex which must be signed by the student, guardian(s) and a medical professional.

To further clarify, this SEP mandates that the student disclose sensitive, often private information, which could potentially be unique to a class of students with protected characteristics, to play on the athletic team of the gender with which they identify. This policy circumvents a student's determination of when and where to share private personal information regarding gender identification and expression and potentially limits a student's ability to participate on an athletic team.

TTUSD's decision to maintain membership with NIAA despite its adoption of a facially discriminatory policy harms students by requiring disclosure of sensitive information that is unique to students who would otherwise fall within categories the state has deemed should not be singled out under *EC* sections 200 and 220. It may result in exclusion of transgender students from athletic participation on girls' teams, in violation of *EC*

Section 221.5(f). And it may cause students with protected characteristics to simply forgo their right to participate in athletics.

These harms and risks of harm to the students, their constitutional rights of privacy and the protections afforded by California's anti-discrimination policies are significant.

Also bearing on this analysis is the fact that transitioning to a different athletic organization, in this case CIF, would eliminate the potential for discrimination, protecting students who fall within the statutory protections of *EC* Section 220.

CONCLUSION

For the reasons discussed above, the District's decision on its face fails to comply with *EC* Section 220's prohibitions against discrimination. The CDE finds the District's decision *on its face* singles out and limits one group of students *based on* that group's legally protected characteristics of identifying with or expressing a gender other than that identified at birth. And maintaining membership with NIAA adversely impacts those students. Finally, by transitioning to CIF, or any other athletic association that recognizes gender identity, the district would be protecting the rights of students who fall within the statutory protections of *EC* Section 220.

CORRECTIVE ACTIONS

The corrective actions addressing the findings of noncompliance are set forth in accordance with 5 *CCR*, Section 4664(a)(6).

1. By November 30, 2025, the District must present to the Direct Investigations Office its plan for transitioning out of NIAA effective no later than the start of the 2026-2027 school year. This shall include a plan to transition to the CIF or any other athletic organization that complies with California state law and specifically *EC* 221.5(f).
2. By April 30, 2026, the District must present to the Direct Investigations Office confirmation that it has transitioned out of NIAA effective no later than the start of the 2026-2027 school year.

RIGHT TO RECONSIDERATION

Either party may request a reconsideration of this Investigation Report by making a request within **30 days of the date of this letter** to:

The Direct Investigations Office

CDEDI@cde.ca.gov

Pursuant to 5 *CCR*, Section 4665, the Request for Reconsideration must specify and explain why:

- (1) Relative to the allegation(s), the Department Investigation Report lacks material findings of fact necessary to reach a conclusion of law on the subject of the complaint, and/or
- (2) The material findings of fact in the Department Investigation Report are not supported by substantial evidence, and/or
- (3) The legal conclusion in the Department Investigation Report is inconsistent with the law, and/or
- (4) In a case in which the CDE found noncompliance, the corrective actions fail to provide a proper remedy.

(Title 5, *CCR* section 4665 (a).)

APPENDIX A

APPLICABLE LAW

California *Education Code (EC)* § 200 State Policy; purpose

It is the policy of the State of California to afford all persons in public schools, regardless of their disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, equal rights, and opportunities in the educational institutions of the state. The purpose of this chapter is to prohibit acts that are contrary to that policy and to provide remedies therefor.

***EC* § 220 Discrimination**

No person shall be subjected to discrimination on the basis of disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other characteristic that is contained in the definition of hate crimes set forth in Section 422.55 of the Penal Code, including immigration status, in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance, or enrolls pupils who receive state student financial aid.

***EC* § 33315 Uniform Compliance Complaints**

(a) The Superintendent shall establish and implement a system of complaint processing, known as the Uniform Complaint Procedures, for educational programs specified in paragraph (1). The department shall review the regulations set forth in Chapter 5.1 (commencing with Section 4600) of Division 1 of Title 5 of the California Code of Regulations pertaining to uniform complaint procedures and, on or before March 31, 2019, shall commence rulemaking proceedings to revise those regulations, as necessary, to conform to all of the following:

(1) The Uniform Complaint Procedures shall apply to all of the following:

...

(F) The filing of complaints that allege unlawful discrimination, harassment, intimidation, or bullying against any protected group as identified under Sections 200 and 220 and Section 11135 of the Government Code, including any actual or perceived characteristic as set forth in Section 422.55 of the Penal Code, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, in any program or activity conducted by an educational institution, as

defined in Section 210.3, that is funded directly by, or that receives or benefits from, any state financial assistance. . .

Title 5, California Code of Regulations (CCR) § 4650 Basis of Direct State Intervention.

- (a) The CDE may at its discretion directly intervene without waiting for an LEA investigation if one or more of the following situations exist:

. . .

- (5) The complainant alleges that the complainant would suffer immediate and irreparable harm as a result of an application of a district-wide policy that is in conflict with state or federal law covered by this chapter, and that filing a complaint with the LEA would be futile.

Title 5 CCR § 4651 Notification.

- (a) When the Department accepts a complaint requesting direct state intervention pursuant to section 4650, it will immediately notify the complainant in writing of the determination. If the complaint is not accepted, it shall be referred to the LEA for local investigation or referred to another agency pursuant to section 4611.
- (b) When the CDE declines direct intervention for a complainant who requests anonymity pursuant to section 4650(a)(2), the CDE will not forward the complaint to the LEA pursuant to section 4640 without the complainant's permission.

Title 5 CCR § 4663 Department Investigation Procedures.

- (a) The investigator(s) shall request all documentation and other evidence regarding the allegations in the complaint.
- (b) The investigation shall include an opportunity for the complainant, or the complainant's representative, or both, to present the evidence or information leading to evidence to support the allegations of non-compliance with state and federal laws and/or regulations.
- (c) Refusal by the complainant to provide the investigator with documents or other evidence related to the allegations in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in the dismissal of the complaint because of a lack of evidence to support the allegations.

- (d) Refusal by the local educational agency to provide the investigator with access to records and/or other information related to the allegation in the complaint, or to otherwise fail or refuse to cooperate in the investigation or engage in any other obstruction of the investigation may result in a finding based on evidence collected that a violation has occurred and may result in the imposition of a remedy in favor of the complainant.

Title 5 CCR § 4664 Department Investigation Report.

- (a) In cases of direct state intervention, the CDE shall issue a Department Investigation Report. The Department Investigation Report shall include the following:
 - (1) A summary of the allegations in the complaint;
 - (2) A description of the general procedures of the investigation;
 - (3) Citations of applicable law and regulations;
 - (4) Department findings of facts;
 - (5) Department conclusions;
 - (6) Corrective actions for the LEA or other public agency as defined in section 3200, if applicable;
 - (7) Timeline for corrective actions, if applicable;
 - (8) Notice that any party may request reconsideration of the Department Investigation Report from the Superintendent within 30 days of the date of the report;
 - (9) For those federal programs for which there is a right to appeal to the United States Secretary of Education, the parties shall be notified of that right.
- (b) The CDE must issue a written Department Investigation Report to the complainant within 60 days of receipt of the complaint, unless the parties have agreed to extend the time line or the CDE documents exceptional circumstances and informs the complainant, or the matter has been resolved at the local level or judicially decided.

Title 5 CCR § 4665 Reconsideration of Department Investigation Report.

- (a) Within 30 days of the date of the Department Investigation Report, either party may request reconsideration by the Superintendent or the Superintendent's designee. The request for reconsideration shall specify and explain why:

- (1) Relative to the allegation(s), the Department Investigation Report lacks material findings of fact necessary to reach a conclusion of law on the subject of the complaint, and/or
 - (2) The material findings of fact in the Department Investigation Report are not supported by substantial evidence, and/or
 - (3) The legal conclusion in the Department Investigation Report is inconsistent with the law, and/or
 - (4) In a case in which the CDE found noncompliance, the corrective actions fail to provide a proper remedy.
- (b) In evaluating or deciding on a request for reconsideration, the CDE will not consider any information not previously submitted to the CDE by a party during the investigation unless such information was unknown to the party at time of the investigation and, with due diligence, could not have become known to the party. This prohibition does not prohibit the CDE from seeking and obtaining information from any source necessary to issue an accurate Department Investigation Report.
- (c) Within 60 days of the receipt of the request for reconsideration, the Superintendent or the Superintendent's designee shall respond in writing to the parties. Such response may include a denial of the request for reconsideration, or modifications to the Department Investigation Report necessary to ensure factual and legal accuracy. Pending the Superintendent's response to a request for reconsideration, the Department Investigation Report remains in effect and enforceable, unless stayed by a court.
- (d) Appeals from investigations of complaints involving Child Development contractors, whether public or private, shall be made to the Superintendent of Public Instruction as provided in subsection (a) except as otherwise provided in division 19 of title 5 of the Code of California Regulations.
- (e) For those federal programs for which there is a right to appeal to the United States Secretary of Education, the parties shall be notified of that right.

Title 5 CCR § 4670 Enforcement.

- (a) Upon determination that a local agency violated the provisions of this chapter, the Department shall notify the local agency pursuant to sections 4633(g)(3) or 4664(b) that it must take corrective action to come into compliance. If corrective action is not taken, the Department may use any means authorized by law to effect compliance, including, but not limited to:
- (1) The withholding of all or part of the local agency's relevant state or federal fiscal support in accordance with state or federal statute or regulation;

- (2) Probationary eligibility for future state or federal support, conditional on compliance with specified conditions;
 - (3) Proceeding in a court of competent jurisdiction for an appropriate order compelling compliance.
- (b) No decision to curtail state or federal funding to a local agency under this chapter shall be made until the Department has determined that compliance cannot be secured by other means. . . .