* The State Superintendent of Public Instruction has illustrated changes to the original text in the following manner: text originally proposed to be added is underlined; text proposed to be deleted is displayed in ~~strikeout~~.

# Title 5. EDUCATION Division 1. California Department of Education

## Chapter 5.1. Uniform Complaint Procedures

### Subchapter 1. Complaint Procedures Article 9. Williams Complaints

#### § 4685.5. Direct State Intervention.

(a) A complaint requesting direct state intervention alleging that more than one pupil does not have sufficient textbooks or instructional materials as the result of an act by the governing board of a school district, or the governing board’s failure to act to remedy the deficiency, shall:

(1) Meet the requirements of section 4681;

(2) Identify the relevant act of the governing board of a school district, or describe the governing board’s failure to remedy a deficiency; and

(3) Provide evidence as to why the complainant seeks direct state intervention rather than local investigation under section 4685.

(b) The Superintendent or their designee shall promptly determine whether the Department will accept the complaint for direct state intervention.

(c) When the Department accepts a complaint requesting direct state intervention pursuant to this section, it will promptly notify the complainant, if identified, and the school district in writing. The Superintendent or their designee shall make all reasonable efforts to investigate the complaint, render a written Determination and identify required corrective actions (if any) along with a timeline for completion within 60 working days or such later date as may be determined by the Department. The Department shall provide copies of its Determination to the complainant and the school district’s Governing Board.

(d) A complainant or school district may, within 15 working days, request that the Superintendent or their designee reconsider their Determination. To request reconsideration, a party must specify and explain the basis for the reconsideration, including at least one of the following:

(1) The Department’s written Determination lacks material findings of fact necessary to reach a conclusion of law;

(2) The material findings of fact in the Department’s written Determination are not supported by substantial evidence;

(3) The Department’s conclusion is inconsistent with the law; and/or

(4) In a case in which the Department determined the complaint was valid, the corrective actions fail to provide a proper remedy.

(e) Within 60 working days of receiving a request for reconsideration, the Superintendent or their designee will respond in writing to the parties. Such response may include a denial of the request for reconsideration, or modifications to the Department’s written Determination necessary to ensure factual and legal accuracy. Pending the Superintendent’s response to a request for reconsideration, the Determination and any corrective actions therein remain in effect and enforceable unless stayed by a court.

(f) If the complaint is not accepted for direct state intervention, the Department shall promptly notify the complainant and school district in writing, and forward the complaint to the school district for appropriate action pursuant to section 4685.

NOTE: Authority cited: Section 33315, Education Code. Reference: Section 35186, Education Code.

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