

# Attachment E



**CALIFORNIA DEPARTMENT  
OF EDUCATION**

**TONY THURMOND**  
STATE SUPERINTENDENT OF  
PUBLIC INSTRUCTION

1430 N STREET, SACRAMENTO, CA 95814-5901 • 916-319-0800 • WWW.CDE.CA.GOV

April 8, 2021

Jorge Aguilar, Superintendent  
Sacramento City Unified School District  
5735 47<sup>th</sup> Avenue  
Sacramento, CA 95824

Dear Superintendent Aguilar,

This letter is in response to your March 23, 2021, correspondence to Donna DeMartini, Education Administrator I in the Special Education Division, California Department of Education (CDE). The CDE would like to provide clarifications to specific items identified by the District and share with you the concerns raised by the District's assertions about its compliance with the Corrective Actions identified in the January 19, 2021, Compliance Decision (Decision) S-0297-20/21 and current items required under the CDE's authority under 34 *Code of Federal Regulations* (CFR) Section 300.600 (d).

The District did not submit a complete report on either March 19, 2021, or March 26 2021, citing the need to update the format. On April 2, 2021, the District did not submit a report at all, and when asked, stated that it was closed for spring break that week. Thus, the CDE has not received a complete report from the District since March 12, and that report indicated that essentially no progress had been made.

Additionally, as of the date of this letter, the District has not submitted the Comprehensive Coordinated Early Intervening Services plan required under 34 CFR 300.646 (d), that was due to the CDE on December 15, 2020.

Federal and state law requires the state educational agency to enforce local compliance with the laws guaranteeing children with disabilities a free appropriate public education (Title 20 *United States Code* (20 USC) Section 1412(a) (11); Title 34, *Code of Federal Regulations* (34 CFR) Section 300.600; California *Education Code* Section 56000.

Under California *Education Code* 56045, the CDE is formally notifying your governing board that the SSPI has determined that Sacramento City Unified School District:

1. Is substantially out of compliance with the provisions of the IDEA as set forth in the notice of corrective actions (56045(a)(1)), and;
2. Has failed to substantially comply with corrective action orders issued by CDE resulting from a complaint investigation. (56045(a)(2));

April 8, 2021

Page 2

**Upon receipt of this notice, we ask that the governing board agendaize this matter at its next board hearing to address the issue of noncompliance, as contemplated by Education Code section 56045(c).** Please provide us with the date of the SCUSD Board meeting at which this matter will be heard.

Based on the on-going failures to comply with the corrective actions CDE, as the state educational agency, will consider exercising its authority to withhold special education funds allocated to the District under state and federal law, pursuant to Title 5, California Code of Regulations (5 CCR), sections 3088.1(b) and (c). Such a withholding may occur when a District, has failed to comply substantially with a provision of law regarding special education and related services, 5 CCR Section 3088.1(a).

The CDE encourages the District to implement its February 5, 2021 plan as revised on March 19, 2021 which will support the District on its path to compliance. However, based on the District's 2019-20 Annual Determination under IDEA and the current concerns with the District's identified issues in unsuccessful implementation of its plan to clear the current Corrective Actions issued January 19, 2021, the CDE is identifying Sacramento City Unified as a high-risk grantee. CDE will assign special conditions on the IDEA grant and further direct the District to use its 611 funds for assessing its students who are waiting for assessments per CFR section 300.604 (a)(2-3). Because SCUSD has been identified as Needs Intervention under 34 CFR 300.604(c) for more than 3 years, the CDE may move to withhold future payments or refer the matter to the Office of Inspector General at the US. Department of Education or the Department of Justice if the District continue to neglect or defer its responsibilities under IDEA.

If you have any questions regarding this subject, please contact Heather Calomese, Director, Special Education Division, by email at [hcalomese@cde.ca.gov](mailto:hcalomese@cde.ca.gov).

Sincerely,

/s/

Heather Calomese

HC:sdb

cc: Dr. Sadie Hedegard, Assistant Superintendent, Special Education, Sacramento City Unified/SELPA

Sarah Neville-Morgan, Deputy Superintendent, Opportunities for All Branch, California Department of Education

Dr. Stephanie Gregson, Chief Deputy Superintendent, California Department of Education