



**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 22, 2024

Lisa Allen, Interim Superintendent  
Sacramento City Unified School District  
5735 47<sup>th</sup> Avenue  
Sacramento, CA 95824

Re: Notification of Continued Noncompliance by Sacramento City Unified School District and Enforcement of Corrective Actions

Dear Interim Superintendent Allen:

This letter is to inform you that the California Department of Education (CDE) has concerns about the provision of support and services for students with disabilities as required under the Individuals with Disabilities Education Act (IDEA).

Federal and state law require that the CDE, as the state educational agency, enforce local education agency (LEA) compliance with the laws that guarantee children with disabilities a free appropriate public education (FAPE) (Title 20, United States Code Section 1412[a][11]; Title 34, *Code of Federal Regulation (CFR)* Section 300.600; *California Education Code (EC)* Section 56000).

Thus, among other provisions, 34 *CFR* section 300.600 provides that the State must:

- Monitor the implementation IDEA;
- Make determinations annually about the performance of each LEA using the categories in [§ 300.603\(b\)\(1\)](#); and
- Enforce this part, consistent with [§ 300.604](#), using appropriate enforcement mechanisms, which may include, if applicable, the enforcement mechanisms identified in [§ 300.604\(a\)\(1\)](#) (technical assistance), (a)(2) (directing the use of funds on the area or areas in which the LEA needs assistance), and/or (a)(3) (identifying the LEA as a high-risk grantee and imposing special conditions on the LEA's grant under Part B of the Act).

For a sustained period of time, and across a range of adverse determinations in which the Sacramento City Unified School District (SCUSD) has been found out of compliance with federal and state special education laws and regulation, the SCUSD has failed to meet the CDE Compliance and Improvement Monitoring (CIM) requirements associated with such findings.

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By way of illustration and not limitation, the SCUSD has not submitted sufficient monitoring items and evidence of corrective actions in a timely manner regarding the following overdue items:

- 2023 CIM for Comprehensive Coordinated Early Intervening Services (CCEIS) Abbreviated Action Plan, which was due to the CDE on September 30, 2023
- 2022 CCEIS Quarterly Progress and Expenditure Report 2, which was due to the CDE on April 10, 2023
- 2022 CCEIS Quarterly Progress and Expenditure Report 3, which was due to the CDE on July 10, 2023
- 2022 CCEIS Quarterly Progress and Expenditure Report 4, which was due to the CDE on October 10, 2023
- 2022 CCEIS Quarterly Progress and Expenditure Report 5, which was due to the CDE on January 10, 2024
- 2022 CCEIS Amended Budget, which was due to the CDE on March 28, 2024
- 2022 Smalls Unit Compliance Self Review Test Items 3-5-8, 5-1-5, 3-2-3, 3-2-5, and 4-1-5, in which sufficient evidence was due to the CDE on December 1, 2023
- Complaint Corrective Action Case Number 0297-20/21, in which sufficient evidence was due to the CDE on July 30, 2021
- Complaint Corrective Action Case Number 0401-20/21, in which sufficient evidence was due to the CDE on July 30, 2021
- Complaint Corrective Action Case Number 0426-23/24, in which sufficient evidence was due to the CDE on January 29, 2024

Through its CIM process, the CDE has engaged in longstanding and sustained efforts to secure the SCUSD's compliance with corrective actions as set forth above. These efforts include 40 documented emails requesting required documentation and reminding the deadline, and 22 direct phone calls or meetings to get the LEA to complete the requests. The CDE has also sent formal letters of noncompliance to the superintendent indicating that SCUSD is failing to comply with requirements under IDEA on April 19, 2021; May 20, 2021; August 11, 2021; November 1, 2021; March 18, 2022; June 30, 2022; July 5, 2022; June 6, 2023; December 12, 2023; and February 13, 2024. Unfortunately, to date, the SCUSD has failed to respond in a satisfactory manner to such efforts.

This correspondence constitutes notice that the CDE, pursuant to 34 *CFR* 300.604(a)(3), has now identified the SCUSD as a high-risk grantee of apportionment of 2023—24 and 2024—25 funds under the IDEA, Part B.

As provided under 34 *CFR* 603(a)(3), the CDE intends to impose special conditions on the use of the SCUSD's apportionment of Part B funds by directing a portion of such funds to be utilized by the SCUSD to engage the services of a Technical Assistance Facilitator (who shall be appointed by the CDE) who will collaborate with the SCUSD to secure prompt and comprehensive compliance with the corrective actions. Be advised that should this intervention prove inadequate to secure the requisite compliance, the CDE reserves the authority to impose

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such additional interventions and/or take such other remedial actions as are provided by federal and state law and regulations. (See Title 5, *California Code of Regulations (CCR)* §§ 3502).

In addition, in connection with identifying and establishing the details of the above-described compliance facilitation, the CDE is requesting the SCUSD's Interim Superintendent, Assistant Superintendent/Special Education Director, and the Special Education Local Plan Area Director meet with their support providers on or before **June 17, 2024** to review these requirements and develop a prioritization to complete these outstanding items (listed in this letter) and address these ongoing concerns. The CDE-identified Technical Assistance Coordinator referenced above will be at the meeting and assist in prioritizing the tasks and implementing the improvement work.

Finally, **upon receipt of this notice, we ask that the SCUSD governing board agendaize this matter at its next board meeting to address the issue of noncompliance, as contemplated by *Education Code* section 56045(c)**. Please give us the date of the SCUSD Board meeting when this matter will be heard within the next 30 days.

If you have any questions or concerns, please reach out to me via email at [rheenan@cde.ca.gov](mailto:rheenan@cde.ca.gov) or via phone at 916-215-0769.

Sincerely,

Dr. Rachel Heenan, Director  
Special Education Division

RH:jb

cc:

Krystal Thomas, *Assistant Superintendent of Special Education*, Innovation, and Learning,  
Sacramento City Unified School District

Geovanni Linares, *Director*, Sacramento City Unified Special Education Local Plan Area

Mary Nicely, *Chief Deputy Superintendent*, California Department of Education

Sarah Neville-Morgan, *Deputy Superintendent*, Teaching and Learning Support Branch,  
California Department of Education

Shiyloh Duncan-Becerril, *Associate Director of Monitoring*, Special Education Division,  
California Department of Education

Jack Brimhall, *Education Administrator I*, California Department of Education