

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

Agenda Item# 8.6

Meeting Date: April 22, 2021

The Board will receive an update on the District's plan for addressing the backlog of Special Education Assessments, including an update concerning the addendum to the Reopening MOU on this topic recently reached with SCTA.

Documents Attached:

1. CDE 4.8.21 Letter - S-0297-20/21
2. Investigation Report Case S-0401-20/21

<p>Estimated Time of Presentation: 20 minutes Submitted by: Dr. Sadie Hedegard, Assistant Superintendent, Special Education Approved by: Jorge A. Aguilar, Superintendent</p>
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April 8, 2021

Jorge Aguilar, Superintendent
Sacramento City Unified School District
5735 47th 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

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Upon receipt of this notice, we ask that the governing board agenda 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

**CALIFORNIA DEPARTMENT OF EDUCATION
Investigation Report
Case S-0401-20/21**

Public Agency

Jorge Aguilar, Superintendent
Sacramento City Unified School District
5735 47th Avenue
Sacramento, CA 95824

Complainant

Special Education Director

Sadie Hedegard, Assistant Superintendent,
Special Education

Parents

Various

Sacramento City Unified School District

Special Education Local Plan Area (SELPA)

Geo Linares, Director
Sacramento City Unified SELPA
5735 47th Avenue
Sacramento, CA 95824

Student

Various

Complaint Received

January 7, 2021

Report Mailed

March 8, 2021

INVESTIGATION PROCEDURES

The investigation and conclusions are based on the investigator's review of materials and documents provided by the Complainant and the District, as well as telephone contacts with the Complainant on January 14, 2021.

[REDACTED]

[REDACTED]

APPLICABLE CITATIONS

EC Section 56321(a) requires:

If an assessment for the development or revision of the individualized education program [IEP] is to be conducted, the parent or guardian of the pupil shall be given, in writing, a proposed assessment plan within 15 days of the referral for assessment of the pupil. If the assessment is conducted during regular school sessions or terms or days of school vacation in excess of

Conclusion (District-Wide Initial Assessments)

The District failed to meet the requirements of 34 *CFR* Section 300.301(c)(1). The District has not assessed or convened the IEP meetings to review the 46 consented initial

The

District is out of compliance.

SUMMARY CONCLUSION

The District failed to meet the requirements of 34 *CFR* Section 300.301 (c)(1). The District has not initiated or completed initial assessments or convened the IEP meetings to review the student assessments within the required 60- 21 school year.

The District is out of compliance.

REQUIRED CORRECTIVE ACTIONS

Allegation One and Two

Student One

1. On or before April 20, 2021, the District shall provide evidence that it has completed the meeting to review the assessment

requirements for needed services. If the IEP team determines compensatory services are needed, over and above the regular IEP services for the student, the District shall also provide the parent a plan for the provision of compensatory services, if agreed to by the parent, based on the delay in completing the assessments and timely holding and completing the IEP. Acceptable evidence should include a copy of the completed assessment report(s); the completed IEP; and the compensatory service plan, if applicable.

District-Wide Initial Assessments

2. On or before April 8, 2021, the District special education director or designee shall provide this repo include a copy of the board agenda listing this item and the Board meeting notes.
3. On or before April 16, 2021, the District shall provide a training to all District special education assessment administrators, school site special education case managers, and assessment service providers, regarding 34 *CFR* Section 300.301 and *EC* 56321(a), and the findings of this case, with a directive to comply with the law. Training by webinar or other electronic means is acceptable, and dividing training sessions to accommodate the scheduling needs of attendees is acceptable. Acceptable evidence should include a copy of the training agenda and a list of recipients and training participants, including their names, titles, and verification of attendance.

4. On or before May 1, 2021, the District shall develop a plan that ensures all overdue initial assessments from September 3, 2020, to January 7, 2021, will be completed by July 30, 2021. The plan must include the number of assessments that will be completed weekly and by whom, whether by District staff or qualified, non-District, contracted assessors. Acceptable evidence should include a copy of the plan.
5. On or before May 12, 2021, the District shall provide evidence of written communication with the individual affected parents/guardians of the students on the District provided list of the 166 requested initial assessments, that describes the received them and obtaining parent signatures of agreement for those who have received assessment plans. The District should also provide evidence of completing the individual student assessments respectively for those students for whom the District had already received parent consent to assess as discussed in this report. Acceptable evidence should include copies of the _____ an, the written communications to parents/guardians, and a listing of the completed assessment reports by student.
6. On or before July 30, 2021, the District shall have provided the CDE with on-going weekly spreadsheets or weekly reports, for the timeframe between the date of this report and July 30, 2021, showing outstanding assessments needed and completed and IEP meetings to discuss completed assessments, as identified in the plan prepared in response to corrective action five above. Acceptable evidence should include copies of the weekly spreadsheets or reports, submitted to the CDE on a weekly basis.
7. IEP teams determine compensatory services are needed over and above the regular IEP services for the students respectively, the District shall provide letters to the parents/guardians respectively, with plans for the provision of compensatory services as appropriate, if agreed to by the parents/guardians, based on the delay in completing the assessments and timely holding and completing the IEPs. Acceptable evidence for providing compensatory _____ IEPs, if applicable.

RECONSIDERATION NOTICE

The findings in this investigation report are specific to this case. While general rules are cited, findings in other investigations may differ due to the facts and issues in each case.

Within 30 days of the

Jane Canty
Education Administrator I
Complaint Investigation Unit II

California Department of Education
Special Education Division