



Sacramento City Unified School District Fails Its Most Vulnerable Students

Summary

Sacramento City Unified School District deserves an “F” grade for not meeting the needs of its students with learning, physical, and behavioral disabilities.

Despite repeated warnings and numerous recommendations from national experts, the school board and administration have failed to develop a plan and services to address the needs of these students. This failure means students with special needs do not receive the appropriate education and support services required by law.

If the District provided early intervention programs starting in kindergarten, many students could avoid special education altogether. All students benefit from having their unique learning styles understood, so they receive the support they need to thrive in the regular classroom.

By not providing early intervention to all students in all schools, SCUSD inappropriately funnels students with learning challenges into often-isolated special education programs. Research shows students with learning disabilities are more successful if they are taught in a general education classroom.

This Grand Jury report intends to hold SCUSD accountable for educating all students effectively.

Background

Sacramento City Unified School District (SCUSD) currently has more than 40,000 students, and approximately 7,000 students receive special education services. Federal law dictates all public-school districts must provide students with a free, appropriate public education in the least restrictive environment.

Each student qualified for special education must have an Individual Education Plan (IEP) to meet their learning needs. The IEP must be developed in collaboration with parents, administrators, teachers, educational specialists, and students to comply with state and federal regulations.

SCUSD has been officially admonished numerous times regarding its Special Education Department. The California Department of Education (CDE) has found SCUSD out of compliance for several years. SCUSD has received reports outlining the District's deficiencies that also provided proven research-based recommendations. In addition, SCUSD has been subject to numerous complaints.

SCUSD's inaction to address these concerns prompted the CDE to send a letter in April 2024 to the Superintendent, alerting the district that CDE must use district funds to hire a CDE Technical Assistant Facilitator who will ensure corrective actions are taken.

Below is a sampling of failures:

1. In 2017, the Strategic Support Team of the Council of the Great City Schools, a coalition of 78 of the nation's largest urban public-school systems, submitted a report to SCUSD recommending improvements for early intervention and special education services in all schools. There is no evidence of any progress on this goal.
2. In 2017, an expert panel commissioned by SCUSD submitted a report with findings and a substantial number of recommendations to improve current policies on special education, implicit bias, and school discipline. To date, no action has been taken on the report entitled *Experts' Evaluation Report for SCUSD: Special Ed, School Discipline and Implicit Bias*.
3. In September 2019, the Black Parallel School Board (BPSB) and three students filed a lawsuit against SCUSD on behalf of all students with disabilities on issues which included the segregation of Special Education Department (SPED) students and failure to provide necessary services and support. SCUSD settled the lawsuit by agreeing to use, among other remedies, an independent monitor to develop an action plan with specific improvement goals and timetables.
4. For the past three years, CDE has found the SCUSD Special Education Department significantly out of compliance. Among other issues, its special education population has a disproportionate number of children of color. CDE is officially monitoring the District.

5. In 2023, the Sacramento City Teachers Association (SCTA) filed a complaint with CDE alleging SCUSD failed to comply with IEP requirements. CDE upheld the complaint.
6. SCUSD has been forced to make numerous individual financial settlements with parents/guardians on behalf of students to resolve complaints about the inadequacies of the current special education programs.

Despite the above, SCUSD has failed to address the deficiencies identified in special education. Overall, SCUSD has neither provided a proper administrative work plan for special education nor implemented early intervention in all schools. This is an unconscionable lack of action by SCUSD.

Who suffers? Our students. They deserve better.

As mentioned above, the CDE intends to impose conditions on the use of special education funds by directing a portion of funds to be utilized by SCUSD to hire a Technical Assistant Facilitator. Appointed by the CDE, this facilitator will collaborate with SCUSD to secure prompt and comprehensive compliance with corrective actions.

Methodology

The findings in this report are based on information from multiple sources, including documents provided by SCUSD and other organizations, individual interviews, and a review of federal and state requirements.

The Grand Jury conducted 14 interviews with individuals from:

- Sacramento County Office of Education
- California Department of Education
- Sacramento City Unified School District
- Sacramento City Teachers Association
- Black Parallel School Board

The Grand Jury used materials from the following for this investigation:

- California Department of Education www.cde.ca.gov/
- Sacramento County Office of Education www.scoe.ca.gov/
- Sacramento City Teachers Association <https://sacteachers.org>
- Black Parallel School Board blackparallelschoolboard.com/scusd-lawsuit
- SCUSD www.scusd.edu/
- Council of the Great City Schools
www.cgcs.org/cms/lib/DC00001581/Centricity/Domain/4/SacramentoSpecialEducation.pdf
- Experts' Evaluation Report for Sacramento City Unified School District
www.scusd.edu/sites/main/files/file-attachments/scusd_experts_final_integrated_report.pdf

Glossary

Abbreviation	Meaning
CDE	California Department of Education
DOE	Department of Education -Federal
IDEA	Individuals with Disabilities Education Act - Federal <i>20 United States Code 1400 (d)(1)(a)</i>
IEP	Individual Education Plan
LRE	Least Restrictive Environment
MTSS	Multi-Tiered Systems of Support
SCOE	Sacramento County Office of Education
SCTA	Sacramento City Teachers Association
SCUSD	Sacramento City Unified School District
SEIS	Special Education Information System
SELPA	Special Education Local Plan Area
SPED	Special Education Department

Discussion

SCUSD has been reprimanded by CDE numerous times regarding non-compliance for special education laws. Most recently, in April 2024, CDE issued a “notification of continued non-compliance” to SCUSD.

CDE has engaged in efforts that include 40 documented emails requesting required documentation and reminding of deadlines, 22 direct phone calls and meetings along with 10 formal letters. Despite numerous notifications, SCUSD has not acted to correct the problems.

Based on this failure to correct, CDE now identifies SCUSD as a high-risk grantee of apportionment of 2023-2024 and 2024-2025 funds.

Strife, Frustration, and Conflict

SCUSD has a history of discord among its ranks that continues into the present. A recurring theme in multiple Grand Jury interviews is that organizational dissension exists due to a lack of clear direction, frequent turnover, and the high vacancy rate. This conflict extends from the SCUSD Board of Education through the administration and into the classroom.

Limited collaboration and poor communication among the SCUSD Board, the administration, and the Sacramento City Teachers Association (SCTA) hampers staff



development and training, and stymies the delivery of required services to students. In addition, administrators suffer from a history of distrust of each other's motives which makes attempts at collaboration contentious. Teachers have limited input to develop policy improvements.

While the recent change of top administrative leadership bodes well for improving relationships in the future, infighting among district office administrators thwarts progress. The Special Education Department (SPED) has seen frequent leadership turnover in recent years. Turnover continues to add to district-wide internal strife and low morale especially when there is no adopted master plan to follow. The focus changes frequently with no clear expectations or consequences for not following procedures.

This conflict exacerbates the pervasive misperception by the SCUSD Board, administrators, teachers, staff, parents, and the public that special education is separate from the general education program. However, under the federal Individuals with Disabilities Education Act (IDEA), the services and support provided through special education programs are designed to help place each child in general education classrooms, if at all possible. Currently, SCUSD emphasizes segregation of these children into special day classes.

Need for a Special Education Plan

SCUSD is governed by a seven-member elected Board of Education and administered by a Superintendent. It is the SCUSD Board's responsibility to set policy and the Superintendent's job to make it happen.

To date, SCUSD has not created any working plans or district-wide accepted goals to guide the Special Education Department. The Department lacks a clear mission statement. Also, there are no consistent expectations for the District's schools to follow.

Lawsuits and complaints detail the problems. Experts have submitted reports filled with recommended improvements. The District possesses tools for improving programs and tracking data, but it does not take full advantage of them. It could benefit from the expert assistance and advice available from CDE and the Sacramento County Office of Education (SCOE). SCUSD misses the mark again.

These lawsuits and complaints also reveal SCUSD and the SCUSD Board of Education fail to ensure programs and procedures are provided consistently at every school.

Disproportionality

SCUSD's failure to have a special education plan contributes to over-representation of students of color in special education programs.

The District is aware of this disturbing fact.

The Great City Schools report and the Experts Evaluation Report pointed out this disparity. Disproportionality was a major element in the Black Parallel School Board lawsuit filed in 2019. CDE has warned the District for the past three years that its special education programs are “significantly disproportionate.” There are more students of color in special education than would be expected based on their percentage of the general student population.

SCUSD’s 2023 legal settlement with the Black Parallel School Board is a hopeful sign this problem will be addressed. The settlement requires the use of an independent monitor to develop an action plan with specific goals and timetables and is fully supported by the Grand Jury.

District drops the ball on early intervention

Research demonstrates the importance of early discovery of a child’s unique learning needs and the provision of appropriate support.

SCUSD does not consistently conduct early intervention assessments at each school.

SCUSD has invested in the Multi-Tiered Systems of Support (MTSS) program, a nationally recognized method to make an early assessment of students’ learning needs. In its 2016 – 2021 Strategic Plan, the District committed to use this program. The Great City Schools report and the Experts Evaluation report reinforced the importance of using MTSS to improve educational outcomes for all students.

MTSS also helps educators identify students’ academic, behavioral, and social-emotional strengths and challenges. This early intervention means the difference between a student receiving individual help to succeed in a general education classroom or each year falling further behind until they need significant special education support.

Unfortunately, MTSS has only been implemented at a few of the District’s 47 elementary schools.

Individual Educational Plan

The Individual Education Plan (IEP) identifies a student’s educational needs and desired goals, and determines the most appropriate support services for them.

The first step in referring a child for special education are concerns regarding a student’s academic and/or a child behavior, raised by the parents, teachers, physicians, and/or other school personnel.

Once a referral is received, a meeting is scheduled with the school staff to gather information about concerns of a child. At that meeting, resources and strategies are suggested. If special education assessments are indicated, the child will be tested to help determine if he or she has a disability and is eligible for special education services.



If a child is identified as needing special education services, the school is required to create an IEP. An IEP team includes, but is not limited to, the classroom teacher, the special education teacher, an administrator, service providers, parents/guardians, and, if appropriate, the child.

All IEPs are required to be reviewed annually to ensure the special education student receives the services to which they are entitled, and to check the student's progress. Grand Jury interviews

confirmed this is not always the case at SCUSD schools.

SCUSD's failure to meet IEP requirements has led to considerable complaints from parents/guardians. In addition, SCTA filed a complaint with CDE in 2023 about the SCUSD's failure to meet IEP requirements. CDE found in favor of SCTA.

The Grand Jury learned in interviews there is no consistency in District management holding principals, teachers, and resource specialists accountable to record their student's information in a correct manner. This negatively impacts tracking the student's progress. It hampers the ability to ensure the student is receiving the current services to which they are entitled. It also deprives the students of any additional services they may need in the next year.

This is another example of SCUSD letting down students and parents.

IEP information is required to be reported to CDE. However, CDE has cited SCUSD numerous times for missing deadlines and submitting incomplete reports. CDE has assigned a special education monitor to ensure the District becomes compliant.

SCUSD's deficiency in IEP recordkeeping is not for lack of tools, but for lack of training and accountability. SCUSD purchased a software program called Special Education Information System (SEIS) to record student information. SEIS tracks student progress, and whether or not they are receiving all the support services they should. Training on SEIS is available, but SCUSD staff is not required to take it. Bargaining agreements with SCTA severely limit the number of required training hours educators must attend each year.

Special Day Classes

One of the primary goals of special education, according to those professionals interviewed, is to keep the student in the regular classroom as much as possible. However, often special education students are segregated from their general education

peers and placed in special day classes that are “self-contained.” Classrooms that have students with similar disabilities and are separate from the general classrooms are referred to as self-contained.

Special day classes consist of children labeled as special education students with mild to severe disabilities. Each classroom may contain up to 20 students. Once the students are in a self-contained classroom, they have limited, if any, interaction with students in the rest of the school.

SCUSD has as many as 162 special day classes. Interviewees acknowledged special day classes do have a purpose for those students with severe disabilities. However, interviews also revealed that many students without severe disabilities are placed in special day classes unnecessarily. Educational professionals described the number of special day classes at SCUSD as being “on the higher end” compared to other local districts of similar size.

Previously cited reports and Grand Jury interviews revealed that educational professionals have encouraged SCUSD to reduce the number of special day classes because research shows special education students do better academically and socially when they are in general education classes.

These professionals told the Grand Jury that SCUSD’s absence of a work plan contributes to the excessive number of special day classrooms. Federal law dictates the District must provide students with a free, appropriate public education in the least restrictive environment.

SCUSD lacks a defined vision that will include students with divergent learning styles in general education classrooms.



Parent Involvement

The education system can be confusing and overwhelming, especially for parents/guardians of children with learning challenges. Educators interviewed by the Grand Jury recommended the SCUSD Special Education Department provide parents/guardians with more information and ensure their greater involvement in the educational process to help reduce fears and frustration.

Parents play a vital role in their child's IEP. They are not just mere participants, but they are the primary decision-makers on what support services their child needs, including type, frequency, and location.

Parents must be notified of all rights and services to which their child is entitled. They have the right to review records, participate in meetings, receive written notices in their primary language, engage in discussions, and file complaints if necessary.

Understanding these rights is crucial for effective participation in the IEP process. Testimony to the Grand Jury revealed economic status severely impacts parental involvement. Some parents hire consultants and advocates to advance the needs of their child in the IEP process. Parents without such resources deserve support to ensure they have adequate information about special education. Many working parents are disadvantaged if IEP meetings held at times that are inconvenient to the parents' schedule. SCUSD should do more than merely hand parents a form about their parental rights.

The IEP is a fluid plan for the child's progress with ongoing updates and goals. Educators who were interviewed stressed the importance of the child's parent/guardian involvement as a member of the IEP team. Engaged parent/guardian involvement depends on their full understanding of the child's educational needs and required services. This will help them ensure tasks stay aligned with their child's IEP goals. This can be accomplished, educators said, with ongoing communication, coordination, and progress reports.

If the District fails to provide necessary services, parents/guardians have recourse to file complaints with the District and CDE. The Grand Jury was told by educational professionals if parents were better informed and able to be involved in IEP decision-making, the likelihood of litigation would be reduced.

Throughout the Grand Jury's investigation, it found there is a pervasive misperception by the public and the District itself that special education is separate from the general education program.

Findings

- F1. The misperception that special education is separate from general education denies the student a chance to participate in a general education classroom. (R1)
- F2. The District has ignored repeated warnings and failed to implement recommendations to address the deficiencies of its special education programs. (R2, R3)

- F3. The District administration and the SCUSD Board of Education have failed to adopt a working plan with specific steps and measurable outcomes to guide special education, resulting in a lack of focus and effectiveness in the Special Education Department. (R2, R3)
- F4. The District unnecessarily places a significant number of students of color in special education. (R4)
- F5. SCUSD fails all its students and their parents and guardians by not consistently performing early assessment of students to determine their learning needs and appropriate support. (R5, R6, R7)
- F6. Students' achievements and goals are not measured consistently because the District does not hold individual school personnel accountable for updating IEPs as mandated by state and federal laws. (R5, R6, R7)
- F7. By not fully utilizing the district's tracking system (SEIS), services to special needs students are not accurately recorded and centrally documented. (R5, R6, R7)
- F8. SCUSD fails to provide free and appropriate education due to its overreliance on placing special education students in 162 self-contained classrooms as opposed to placing them in the least restrictive environment. (R6, R7)
- F9. The District's failure to provide ongoing communication and outreach leaves parents/guardians uninformed and unengaged about the special education process and their student's progress. (R12, R13)

Recommendations

- R1. The SCUSD Board should direct administrators, teachers, and staff to formally collaborate to develop a plan to ensure special education is included as an equal component of the general education program rather than being treated as a segregated entity by January 3, 2025 and a formal adoption by February 3, 2025. (F1)
- R2. The SCUSD Board and the District Administration should independently review the numerous reports with recommendations to improve special education and implement a comprehensive special education plan by January 3, 2025. (F2, F3)
- R3. SCUSD administration should provide quarterly updates to the SCUSD Board on the comprehensive special education implementation plan's progress by January 3, 2025. (F2, F3)
- R4. SCUSD should take corrective action as recommended by CDE to reduce the number of students of color in special education by January 3, 2025. (F4)

- R5. SCUSD should create and implement district-wide policies that identify and assess the learning needs of all students for early intervention services by January 3, 2025. (F5)
- R6. SCUSD should complete the implementation of MTSS at all elementary schools as the underlying structure for all work designed to improve student outcomes by August 1, 2025. (F5)
- R7. SCUSD should mandate educators and administrators to attend professional development on early intervention models that will lead to evidence-based universal screening, benchmark assessments, and progress monitoring for all students by January 3, 2025. (F5)
- R8. SCUSD should improve accuracy of IEP data by providing professional training on SEIS to special education teachers and providers (e.g., speech therapist, Occupational Therapist, Behavior Therapist, etc.) by January 3, 2025. (F6, F7)
- R9. SCUSD should conduct quarterly audits to ensure accountability for the input of SEIS data and the accuracy of information beginning January 3, 2025. (F6, F7)
- R10. SCUSD should hold principals, teachers, and support specialists accountable to ensure IEPs are updated annually beginning January 3, 2025. (F6, F7)
- R11. SCUSD should provide necessary support and resource services to keep students in general education classrooms, when possible, rather than placed in self-contained special education classrooms to ensure all students are placed in the least restrictive environment by January 3, 2025. (F8)
- R12. SCUSD should bolster its communications plan and outreach efforts to parents/guardians of special education students to recognize differences in culture, language, and internet access by January 3, 2025. (F9)
- R13. SCUSD should identify a point of contact at each school for parents/guardians of special education students by January 3, 2025. (F9)

Required Responses

Pursuant to Penal Code sections 933 and 933.05, the 2023-2024 Sacramento County Grand jury requests a response from the following officials within 90 days:

SCUSD Board of Education
c/o Lavinia Grace Phillips, President
Sacramento City Unified School District
5735 47th Avenue
Sacramento, CA 95824

Mail or deliver a hard copy response to:

The Honorable Presiding Judge Bunmi Awoniyi
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

Ms. Erendira Tapia-Bouthillier, Grand Jury Coordinator
Email: TapiaE@saccourt.ca.gov

Invited Responses

Lisa Allen, Superintendent
Sacramento City Unified School District
5735 47th Ave.
Sacramento, CA 95824

Darryl White, Chair
Black Parallel School Board
4625 44th Street, Rm 5
Sacramento, CA 95820

Jim Durgin, Consultant
California Department of Education
1430 N Street
Sacramento, CA 95814-5901

Nikki Milevsky, President
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5300 Elvas Ave
Sacramento, CA 95819

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