



State of Arizona
Department of Education

Tom Horne
Superintendent of
Public Instruction

LETTER OF ENFORCEMENT
Sent by fax, email, and US Postal Service

December 20, 2010

Ms. Marcia Lee
Owner and Charter Holder
Scottsdale Horizons Charter School
Back-to-Basics Charter School
PO Box 2208
Peoria, AZ 85380

RE: Scottsdale Horizons and Back-to-Basics; Reference Number 2170 and 2173

Dear Ms. Lee:

On September 24, 2010, our office received a formal state administrative complaint from Mr. John Nyberg (Complainant), alleging that Scottsdale Horizons Charter School and Back-to-Basics Charter School are in noncompliance in special education matters relating to the special education students at these schools. Two Letters of Findings were sent to you on November 16, 2010, one for each of the two schools. As you are aware, there is extensive corrective action to address a great deal of noncompliance with federal and state special education regulations. We have contacted you several times to inform you of your responsibilities in this regard. Most recently, our Letter of Concern dated December 13, 2010 directed you to provide the documentation for the following corrective actions by close of business on Thursday, December 16, 2010. We did not receive the documentation or any correspondence from you in this regard.

Corrective Action 2170-5
Corrective Action 2173-1
Corrective Action 2173-3
Corrective Action 2173-5
Corrective Action 2173-8
Corrective Action 2173-10

In addition, there was other corrective action that was due on Friday, December 17, 2010. That deadline passed without our receiving from you any of the required documentation or any communication from you explaining the non-submission of the required documentation. These corrective actions are listed below:

Corrective Action 2170-1
Corrective Action 2170-2
Corrective Action 2173-4
Corrective Action 2173-9

The following is a summary of the formal correspondence from our office to you since the date of the Letter of Findings:

- Letter of Understanding dated 12/1/10 granting you a one-week extension to the corrective actions originally due 11/29/10.
- Letter of Understanding dated 12/8/10 amending some features of the corrective action, specifically a reduction in the amount of compensatory speech hours owed to some of the students.
- Letter of Inquiry dated 12/6/10 asking for an explanation for the non-submission of overdue corrective actions.
- Letter of Concern dated 12/13/10 informing you that if you continued in noncompliance, then enforcement actions would begin.

In addition, we have sent you eight emails (11/19, two on 11/29, two on 12/3, 12/6, 12/8, and 12/9) reminding you of your responsibilities in this regard. In several of the emails and in several telephone voice mail messages left on your personal cell phone, we have asked that you call. You have only returned one telephone call, on Tuesday, December 14, 2010. During this phone call you were reminded of the deadlines that are already overdue as well as the deadline for the December 17, 2010 corrective action. In addition, you were reminded of the deadline for additional corrective actions that arrives on January 7, 2011. These corrective actions are listed below:

Corrective Action 2170-13
Corrective Action 2170-15
Corrective Action 2170-17
Corrective Action 2170-18
Corrective Action 2170-21
Corrective Action 2170-24
Corrective Action 2173-6

It appears that the Schools are currently providing no special education instruction or related services to any of the eligible students at any of the three campuses covered by the complaint investigation. Further, it appears that you will not be submitting the documentation for the overdue corrective action or the upcoming corrective action. Therefore, the ADE/ESS will immediately begin enforcement action, which can include the following:

1. Interruption of IDEA payments until adequate compliance is achieved;
2. For charter schools receiving federal funds, a request to begin withholding 10% of state payments;
3. For charter schools, a request to the appropriate board for a notice of intent to revoke the charter;
4. With State Board approval, interruption of Group B weighted state aid;
5. Assignment of a special monitor.
6. Referral to the Office of the Attorney General for legal action.

The ADE/ESS regrets this action and hopes that the School will come into immediate compliance with special education requirements so that all students with disabilities enrolled in the Schools will receive the services to which they are entitled. It is also our hope that all remaining corrective actions, less than half of which are referenced above, will be completed and submitted in accordance with our orders and on time. Please do

not hesitate to contact me if our office can be of further assistance to you. Your immediate attention to this matter is expected and will be appreciated.

Sincerely,



Bob Fitzsimmons
Corrective Action Compliance Monitor
Arizona Department of Education/Exceptional Student Services
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Tucson, AZ 85701
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- cc: Ms. Jill Plonski, Director of Special Education, Scottsdale Horizons and Back-to-Basics
Mr. John Nyberg, Complainant
Ms. DeAnna Rowe, Arizona State Board for Charter Schools
Ms. Kacey Gregson, Director of Dispute Resolution, ADE/ESS
Ms. Connie Hill, Finance Director, ADE/ESS
ADE file
- ec: Ms. Allison Freeman, Educational Program Specialist, ADE/ESS
Ms. Maura Mall, Educational Program Specialist, ADE/ESS