



State of Arizona  
Department of Education

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DEC 22 2010

Tom Horne  
Superintendent of  
Public Instruction

December 20, 2010

Founding Fathers Academies, Inc.  
Sandy Stewart  
40 South 11th Street  
Show Low, AZ 85901

Dear Sandy Stewart,

The Arizona Department of Education, Exceptional Student Services, has completed the on-site monitoring of your special education program. The review included the determination of compliance with specific regulations for Part B, Individuals with Disabilities Education Act (IDEA), and the Arizona Revised Statutes.

The final portion of the on-site monitoring was an exit conference to discuss the preliminary findings of the monitoring. During the conference, the monitoring team discussed your program's compliance status, strengths and areas of concern. The following is a summary of your program's compliance and performance status at the time the monitoring was conducted.

| Performance Status        | <i>Findings of Noncompliance</i> | Substantial Evidence of Effective Systems | Inconsistent Evidence | Minimal Evidence | No Evidence |
|---------------------------|----------------------------------|---|-----------------------|------------------|-------------|
| Child Identification      | 0/1                              | X   |                       |                  |             |
| Evaluation/ Re-evaluation | 4/6                              |   |                       |                  | X           |
| IEP                       | 5/8                              |   |                       | X                |             |
| Procedural Safeguards     | 1/4                              | X   |                       |                  |             |

During the monitoring visit parents, school staff, and ESS staff identified the following areas of strength and concern:

**Strengths:**

1. All 45-Day Screenings are completed within the required timeline and follow-up occurs if a concern is noted.
2. All IEPs are current.
3. Comments from 100% of parent surveys reflect that they are active participants in their child's educational program.
4. Procedural Safeguards Notices were provided to the parent at least once in the last 12 months.
5. All initial evaluations were completed within the required 60-day timeline.

**Concerns:**

1. **Evidence showed that there is not an effective system in place to review paperwork of transfer students.**
2. **Annual IEP goals do not incorporate baseline data which impacts measurability.**
3. **The required components of secondary transition plans are not clearly documented.**
4. **Evaluation documentation does not reflect a clear understanding of the evaluation process or required components.**
5. There is not clear documentation of the linkage between the evaluation, PLAAFP, annual goals, and services.

Attached to this letter is a list of the findings of noncompliance and the citation of the regulation/requirement supporting the decision of noncompliance with that regulation/requirement. In order to correct indicated compliance deficiencies, please submit your Corrective Action Plan (if not already submitted) along with necessary documentation regarding 60-day items to your Program Specialist by \*\*\*\*\*. The intent of the Corrective Action Plan is to delineate the steps your agency will take to come into compliance with state and federal requirements. Your agency will be required to correct specific deficiencies identified during the monitoring and to ensure that procedures are in place to maintain sustainability.

Your ESS Specialist will schedule three follow-up visits or desk audits. Once your ESS Specialist has verified that the compliance deficiencies have been corrected and sustainability is in place we will send you a letter indicating the change in your compliance status.

If you believe your agency's monitoring findings are in error, submit an appeal to me at the Arizona Department of Education, Exceptional Student Services. We thank you and your staff for the cooperation extended to our staff during the monitoring visit.

Sincerely,

Diane Mignella  
Director of Program Support and Monitoring  
Exceptional Student Services

ec: Arizona State Board of Charter Schools  
Barbara Paulson, ESS Program Specialist  
Dr. John Potts, Director of Special Education  
file



State of Arizona  
Department of Education

**Notice of concern regarding  
special education  
compliance concerns**

December 22, 2011

Founding Fathers Academies, Inc.  
Mr. Sandy Stewart  
40 South 11th Street  
Show Low, AZ 85901

Dear Sandy Stewart:

As noted in the letter to you dated September 1, 2010, a team from ADE/ESS conducted a special education monitoring of your school, Founding Fathers Academies, Inc., during 2010-2011.

As a result of the monitoring, a written notification of findings was developed. Our records indicate that there continue to be unresolved items that prevent completion of the Corrective Action Plan (CAP). The steps that ADE is able to take to ensure compliance with the IDEA include:

- Enforcement of CAP activities as outlined in current agency CAP which may include the diversion of IDEA funds to cover any costs associated with those activities;
- Review and revision of current CAP to develop targeted activities that address the continued noncompliance. This may include the diversion of IDEA funds to cover any costs incurred;
- Interruption of IDEA payments until adequate compliance is achieved. For charter schools not receiving IDEA funds, a request to begin withholding 10% of state payments;
- Assignment of a special monitor;
- For charter schools receiving federal funds, a request to begin withholding 10% of state payments;
- For charter schools, a request to the appropriate board for a notice of intent to revoke the charter;
- With State Board of Education approval, interruption of Group B weighted state aid;
- Referral to the Office of the Attorney General for legal action.



ADE will take the following initial step(s) until such time as adequate compliance is achieved and the CAP is closed:

**Require the school to contract with a special monitor to assist the school in completing the corrective action and coming into full compliance with IDEA within a short period of time. The special monitor would be paid by the school with school funds but would be required to report to the ADE/ESS on a monthly basis of the school's progress.**

Included with this letter are the resumes of potential special monitors for your selection. I recommend that you interview each candidate and discuss timelines, expectations, and costs to your program prior to making your selection. I also recommend that you formulate a written agreement between the school and the monitor so that expectations are clear on all sides. Please notify Diane Mignella, Director of Program Support and Monitoring, of your selection no later than **January 31, 2012**.

If the noncompliance has not been corrected and sustainability evidenced by **April 29, 2012** additional steps will be taken by ADE.

We regret having to take these steps but find that it is necessary in order to ensure appropriate services to students with disabilities and compliance with federal and state requirements. If you believe that this action is based on inaccurate information, please contact Diane Mignella at 602-364-4009 to discuss the issues underlying our decision.

If you wish to exercise your right to request a hearing challenging the decision, please let Diane Mignella know by **January 10, 2012**

Sincerely,

Joan K. McDonald  
Deputy Associate Superintendent  
Exceptional Student Services

Ec: Barbara Paulson, ESS Specialist  
Susann Terry-Gage, ESS Specialist  
Diane Mignella, Director of ESS Program Support and Monitoring  
Connie Hill, Funding Unit  
Alice Nunes, Funding Unit  
Dr. John Potts, Special Education Director  
Bianca Ulibarri, Arizona State Board for Charter Schools  
File

Enclosure

