

Charter Holder Name: Click or tap here to enter name

Charter Holder CTDS: Click or tap here to enter CTDS

Legal Compliance Questionnaire[[1]](#footnote-1)

For Fiscal Year Ended June 30, 2022

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# INSTRUCTIONS[[2]](#footnote-2)

In order to determine whether a charter that is exempt from the requirements of the Uniform System of Financial Records for Arizona Charter Schools (USFRCS) is complying with applicable legal requirements, the audit firm must complete the following Legal Compliance Questionnaire in accordance with both the agreed upon procedures (instructions contained herein) and the attestation standards established by the American Institute of Certified Public Accountants. (Note: This questionnaire is not comprehensive of all legal requirements for charter schools. As such, this document should not be the sole reference to determine all laws and regulations that are applicable to charter schools.)

The following prescribed minimum agreed upon procedures, as well as those identified throughout the questionnaire, must be used for completing the Legal Compliance Questionnaire in accordance with the attestation standards established by the American Institute of Certified Public Accountants. The State Board for Charter Schools may reject questionnaires not meeting these standards.

* Sufficient, appropriate evidence must be obtained annually for each question to satisfactorily determine whether the charter complies with the legal requirements, and the evidence must be included in the documentation.
* Evidence may be obtained through test work, observation, examination, and client assertion. However, client assertion alone is not adequate evidence to support “Yes” answers to the questionnaire.
* Population size should be considered in determining the number of items to test, and the items selected should be representative of the population.
* The number of items tested must be sufficient to determine whether a deficiency was the result of an isolated incident or a recurring problem. Therefore, testing one transaction, record, or item is not sufficient.
* The sample size should be expanded if the audit firm cannot clearly determine whether the charter complies with the legal requirements of the question.
* If sufficient evidence has been obtained and documented during the current audit, that evidence may be referenced to answer questions.
* All “No” and “N/A” answers must be adequately explained in the box below the question or in an attachment. Findings must be described in sufficient detail to enable the State Board for Charter Schools to describe the finding in a letter. The description should include the number of items tested and the number of exceptions noted.
* A “Yes” answer indicates that the audit firm has determined that the charter complies with the legal requirements of the question and a “No” answer indicates the charter does not comply. However, the final determination of compliance on each question, as well as overall compliance with legal requirements, is made by the State Board for Charter Schools based on the evidence presented in the questionnaire, audit reports, resulting documentation, and any other sources.

The resulting documentation supporting the audit firm’s answers to the Legal Compliance Questionnaire must be made available on request for review by the State Board for Charter Schools. To facilitate this review, the audit firm may wish to include in the documentation a copy of the questionnaire containing references to procedures performed for each question.

|  |  |
| --- | --- |
| PERSONNEL | |
| **Prior to completing the fingerprinting questions below, please review guidance available on the** [**Board’s website**](https://asbcs.az.gov/school-resources/additional-resources)**.** | |
| 1. Did the school have valid fingerprint clearance cards (FCC) for 100% of the required personnel as of the testing date? **A.R.S. §§ 15-183(C)(5) and 15-512(H)** | Select item |
|  | |
| **Questions 2a through 2c only apply to new hires required pursuant to A.R.S. § 15-183(C)(5) to have valid FCCs and do not apply if an individual’s FCC has expired.** | |
| 1. For each individual referenced in question #1 that did not have a valid FCC, please provide the following information: **A.R.S. § 15-183(C)(5)** | |
| 1. Was an application for a FCC on file with the Department of Public Safety (DPS) as of the testing date? | Select item |
|  | |
| 1. Did DPS receive the application prior to the hire date? | Select item |
|  | |
| 1. Prior to placement, did the school do all of the following: | |
| 1. Document the necessity for hiring/placing the individual prior to receiving a FCC? | Select item |
|  | |
| 1. Obtain statewide criminal history information on the individual? | Select item |
|  | |
| 1. Obtain references from the applicant’s current and previous employers? | Select item |
|  | |
| 1. Did the charter school maintain up-to-date fingerprints of all Governing Body members as of the testing date? **Charter Contract (Citations could not be provided as they vary.)** | Select item |
|  | |
| 1. Were all other personnel fingerprint checked as of the testing date? **A.R.S. §§ 15-183(C)(5) and 15-512** | Select item |
|  | |
| 1. Did the charter school inform the parents and guardians of pupils enrolled in the school of the availability of information about the educational and teaching background and experience in a particular academic content subject area for all current employees who provide instruction to pupils? **A.R.S. § 15-183(F)** | Select item |
|  | |
| REQUIRED FILINGS | |
| 1. Internal Revenue Service (IRS) **U.S.C. Title 26** | |
| 1. Is the school in good standing with the IRS for payroll taxes, income taxes (if applicable) and applicable tax forms required to be filed during the audited fiscal year? | Select item |
|  | |
| 1. The school did not have any payroll or income taxes payable to the IRS from a prior year(s) as of audited fiscal year end (June 30th) is a true statement. | Select item |
|  | |
| 1. If the response to question 1.a, question 1.b, or both is “no”, does the school have a payment plan in place with the IRS? | Select item |
|  | |
| 1. If the answer to question 1.c is “yes”, has the school made all of the required payments under the payment plan as of audited fiscal year end (June 30th)? | Select item |
|  | |
| 1. Arizona Department of Revenue (ADOR) **A.R.S. §§ 43-401 and 43-1111** | |
| 1. Is the school in good standing with the ADOR for payroll taxes, state income taxes (if applicable) and applicable tax forms required to be filed during the audited fiscal year? | Select item |
|  | |
| 1. The school did not have any payroll or income taxes payable to the ADOR from a prior year(s) as of audited fiscal year end (June 30th) is a true statement. | Select item |
|  | |
| 1. If the response to question 2.a, question 2.b, or both is “no”, does the school have a payment plan in place with the ADOR? | Select item |
|  | |
| 1. If the answer to question 2.c is “yes”, has the school made all of the required payments under the payment plan as of audited fiscal year end (June 30th)? | Select item |
|  | |
| 1. Arizona Department of Economic Security (ADES) **A.R.S. §§ 23-701 through 23-757** | |
| 1. Is the school in good standing with the ADES for state unemployment contribution requirements for the audited fiscal year? | Select item |
|  | |
| 1. The school did not have any state unemployment contributions payable to the ADES from a prior year(s) as of audited fiscal year end (June 30th) is a true statement. | Select item |
|  | |
| 1. If the response to question 3.a, question 3.b, or both is “no”, does the school have a payment plan in place with the ADES? | Select item |
|  | |
| 1. If the answer to question 3.c is “yes”, has the school made all of the required payments under the payment plan as of audited fiscal year end (June 30th)? | Select item |
|  | |
| 1. Is the school in good standing with the Arizona Corporation Commission (e.g., annual report)? **Charter Contract** | Select item |
|  | |
| 1. Was a copy of the adopted budget submitted electronically to the Superintendent of Public Instruction no later than July 18th? **A.R.S. §§ 15-183(E)(6) and 15-905(E)** | Select item |
|  | |
| 1. Was the Annual Financial Report (AFR) sent to the Superintendent of Public Instruction by October 15th? **A.R.S. §§ 15-183(E)(6) and 15-904(A)** | Select item |
|  | |
| SPECIAL EDUCATION | |
| 1. Is the staff the school uses to provide special education services (internal or contracted) certified in special education? | Select item |
|  | |
| 1. Does the school conduct 45 day screenings on all new students? **A.A.C. R7-2-401** | Select item |
|  | |
| 1. Are evaluations and IEPs on file for special education students? **34 CFR 300.341-350 and 300.531-536** | Select item |
|  | |
| CLASSROOM SITE FUND **– A.R.S. § 15-977 and** [**Office of the Auditor General FAQ**](https://www.azauditor.gov/reports-publications/charter-schools/faqs/classroom-site-project-csp) | |
| 1. For the Classroom Site Fund, were expenses only for allowable purposes listed in A.R.S. §15-977? | Select item |
|  | |
| 1. Did the school use Classroom Site Fund monies to supplement, rather than supplant, existing funding from all other sources? | Select item |
|  | |
| 1. Did the school have sufficient cash at year-end to cover the carryover monies, and what was the Classroom Site Fund cash carryover balance at year-end? | Select item |
|  | |
| STUDENT ATTENDANCE REPORTING | |
| **If test work performed in this section discloses a net overstatement or understatement of membership and/or absence days, based on A.R.S. and ADE’s school finance external guidelines, report the net overstatement or understatement in the box below each applicable question.** | |
| 1. Did the school’s calendar ensure school was in session for the required days and students received the required instructional hours per grade level, including Arizona Online Instruction (AOI) programs as prescribed in A.R.S. §§ 15-808(J)(1), 15-901(A)(1), 15-901.07 and15-901.08? | Select item |
|  | |
| **For Student Attendance Reporting questions, the audit firm must select and test the specified number of transactions (records, entries, withdrawals, or days) as shown in the sample size instructions before each section. These samples should include 3 or more grade levels and 3 or more campuses, where applicable. The listed sample sizes represent the minimum level of required test work. The audit firm should use its judgment in determining whether a larger sample is needed. All student attendance records tested should be selected from the first 100 days of school. In the parentheses provided within the questions, write the actual number of transactions tested. If all transactions were tested, indicate such.** | |
| **For question 2, select at least 3 student attendance records. (If a student in the sample was in a virtual day, ensure the student was counted based on the instructional time model (ITM).)**   1. If the school had an early (pre-) kindergarten program, based upon review of (\_\_\_\_\_) early (pre-) kindergarten students’ attendance records, did the school only calculate and submit membership information for this program for students with disabilities? **A.R.S. § 15-901(A)(1)(a)(i) and USFRCS Memorandum No. 33** | Select item |
|  | |
| **For question 3, use the following sample sizes. (If a student in the sample was in a virtual day, ensure the student was counted based on the ITM.)**  **SCHOOLWIDE ADM Student Attendance Records**  **<1,000 5**  **1,000-5,000 10**  **>5,000 15** | |
| 1. Based upon review of (\_\_\_\_\_) students’ attendance records, did the school appropriately track and report elementary, junior high, and high school students’ membership and absences? **A.R.S. §§ 15-901(A)(1)(a)(i) and 15-901(A)(5)(a)(i), and USFRCS Memorandum No. 33** | Select item |
|  | |
| **For questions 4-7, use the following sample sizes. (If a student in the sample was in a virtual day, ensure the student was counted based on the ITM.)**  **SCHOOLWIDE ADM Student Attendance Records**  **<1,000 3**  **1,000-5,000 5**  **>5,000 7** | |
| 1. Based upon review of (\_\_\_\_\_) high school students’ attendance records, did the school prorate the membership of the students enrolled in less than 4 subjects? | Select item |
|  | |
| 1. For schools-Based upon review of (\_\_\_\_\_) students’ (enrolled in a program provided by a CTED in a facility owned or operated by a school) attendance records, did the school report the actual enrollment for only the school classes the student was enrolled in at the school site (excluding CTED program classes) under the school’s CTDS number? | Select item |
|  | |
| 1. For schools offering an AOI program, based upon a review of (\_\_\_\_\_) AOI students’ attendance records for 4 weeks: (ADE’s guideline [SF-0003](http://www.azed.gov/finance/school-finance-external-guidelines/)-AOI Participation) | |
| 1. Was the guardian-approved or school computer-generated daily log describing the amount of time spent by the student on academic tasks maintained by the participating AOI school? **A.R.S. § 15-808(E**) | Select item |
|  | |
| 1. Did the hours reported to ADE agree to the guardian-approved or school computer-generated daily log? | Select item |
|  | |
| 1. Were all students who participated in an AOI program residents of this state? **A.R.S. § 15-808(B) and** [**ADE’s Updated Residency Guidelines**](https://www.azed.gov/policy/updated-residency-guidelines) | Select item |
|  | |
| 1. Was the student’s Intended Full Time Equivalency Enrollment Statement maintained? | Select item |
|  | |
| 1. Based upon review of the student attendance records in question 6, did the school follow its procedures to re-determine the actual FTE for each student enrolled in an AOI program following a student’s withdrawal or after the end of the school year? **A.R.S. §15-808** | Select item |
|  | |
| **For questions 8-12, use the following sample sizes:**  **SCHOOLWIDE ADM Student Attendance Records**  **<1,000 5**  **1,000-5,000 10**  **>5,000 15** | |
| 1. Based upon review of (\_\_\_\_\_) students withdrawn for having 10 consecutive unexcused absences (all grades), was the student only counted in membership through the last day of actual attendance or excused absence? **A.R.S. § 15-901(A)(1)** | Select item |
|  | |
| 1. Based upon review of (\_\_\_\_\_) entries, does the student’s name entered in the student management system match the name on the legal document on file? **A.R.S. § 15-828(D)** | Select item |
|  | |
| 1. Based upon review of (\_\_\_\_\_) entries: (**Note:** Enrollment forms are not required for continuing students at the same school.) | |
| 1. Were the entry dates entered into the school’s computerized attendance system within 5 working days after the actual date of entry and was documentation maintained to support the date of data entry? **A.R.S. §15-828** | Select item |
|  | |
| 1. Did the entry date in the computerized attendance system agree to the entry form? | Select item |
|  | |
| 1. Did membership begin on the first day of actual attendance or, for continuing/pre-enrolled students, the first day that classroom instruction was offered, provided that the students actually attend within the first 10 days of school? **ADE’s External Guideline GE-17** | Select item |
|  | |
| 1. Did the school obtain and maintain verifiable documentation of Arizona residency upon enrollment? **A.R.S. § 15-802(B)(1) and** [**ADE’s Updated Residency Guidelines**](https://www.azed.gov/policy/updated-residency-guidelines) | Select item |
|  | |
| 1. Did the school exclude nonresident students from the school’s student count and state aid calculations and charge tuition, as applicable? **A.R.S. § 15-823(G) and (L)** | Select item |
|  | |
| 1. Based upon review of (\_\_\_\_\_) withdrawals: | |
| 1. Were the withdrawal dates entered into the school’s computerized attendance system within 5 working days after the actual day of withdrawal and was documentation maintained to support the date of data entry? (**Note:** “Day of withdrawal” for determining timely data entry means: a. the later of the student’s withdrawal date or the day the school is notified the student will not be returning; or b. the 10th day of unexcused absence for students withdrawn for having 10 consecutive unexcused absences.) | Select item |
|  | |
| 1. Did the withdrawal date in the computerized attendance system agree to the withdrawal form? (**Note:** If the computerized attendance system requires the school to input the day following the withdrawal date for a student to be counted in membership through the last day of actual attendance or excused absence, the withdrawal date on the system should be the school day following the withdrawal date on the form.) | Select item |
|  | |
| 1. Did the school prepare and retain an *Official Notice of Pupil Withdrawal* form that a school administrator signed for each withdrawal? **A.R.S. § 15-827** | Select item |
|  | |
| 1. Based upon review of the school’s student data uploaded to ADE (AzEDS ADM15 or ABSATT10 report, as applicable), did the membership and absences agree to the school’s computerized attendance system records for the first 100 days of school? (**Note:** For an AOI Program, review year-end attendance information.) **A.R.S. §15-901** | Select item |
|  | |
| 1. Did the school report students that completed all high school requirements with the applicable graduation code and use the appropriate year-end status code for other students? | Select item |
|  | |
| 1. For students participating in distance learning, did the school follow attendance procedures defined in an adopted ITM? | Select item |
|  | |
| OPEN MEETING LAW **A.R.S. §§ 38-431.01 and 38-431.02 (See also Attorney General Opinion I00-009)** | |
| 1. Did the school conspicuously post a statement on its website stating where all public notices of its meetings will be posted, including the physical and electronic locations? | Select item |
|  | |
| 1. Did the school post all public meeting notices on its website? | Select item |
|  | |
| 1. Did the school maintain a record of notices that includes a copy of each notice that was posted and information regarding the date, time and place of posting? | Select item |
|  | |
| 1. Were notices and agenda of public meetings posted at least 24 hours before the meeting? | Select item |
|  | |
| 1. Were written minutes prepared or a recording made of Governing Body meetings? | Select item |
|  | |
| INSURANCE REQUIREMENTS **– A.R.S. § 15-183(M)** | |
| Does the school have the required insurance for liability and property loss? | Select item |
|  | |
| TUITION **– A.R.S. § 15-185(B)(6) (See also Attorney General Opinion I98-007)** | |
| Did the school refrain from charging fees that may be considered tuition other than as provided for in A.R.S. § 15-185(B)(6) [nonresidents]? | Select item |
|  | |
| RECORDS MANAGEMENT | |
| 1. Did the school retain records in accordance with the General Retention Schedules for Education – K-12 published by the Arizona State Library, Archives and Public Records (based on the testing conducted during the course of the audit)? ([www.azlibrary.gov/arm/retention-schedules](http://www.azlibrary.gov/arm/retention-schedules)) | Select item |
|  | |
| 1. Was adequate documentation retained to support amounts in the financial statements (if the school is not the primary reporting entity – was adequate documentation retained to support revenue and expenses in the charter school)? | Select item |
|  | |

This Questionnaire was completed in accordance with the minimum standards as set forth in the instructions on page 2.

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| --- | --- | --- |
|  |  |  |
| Audit Firm |  | Date |
|  |  |  |
| Preparer’s Signature (Audit Firm Representative) |  | Title |

1. This questionnaire should only be used for charters that are exempt from the Uniform System of Financial Records for Arizona Charter Schools (charters that HAVE an exception)**.** If a charter is subject to procurement requirements pursuant to A.R.S. §§ 15-189.02 and 41-2535(A), this questionnaire should be used in conjunction with the Procurement Compliance Questionnaire (see audit guidelines) which is available on the Arizona State Board for Charter Schools’ website <https://asbcs.az.gov>. [↑](#footnote-ref-1)
2. For the purposes of this questionnaire, please note that “Governing Body” means the group of persons required by A.R.S. § 15-183(E)(8) that is responsible for policy decisions of the charter school. [↑](#footnote-ref-2)