
AGENDA ITEM: Compliance Matters – Civil Penalties (American Leadership Academy, Inc.)**Issue**

During a December 2011 site visit, American Leadership Academy, Inc., which operates ALA San Tan, was unable to provide evidence that all of its employees had been properly fingerprinted.

- On December 1st, 2011, American Leadership Academy, Inc. was unable to provide evidence of a valid fingerprint clearance card or background check for a non-instructional custodian. The employee was on campus at the time of the site visit.
- In accordance with [A.R.S. §15-185\(I\)](#) and the Board's [Policy Statement on Civil Penalties for Fingerprinting Violations](#), on December 5th, staff issued the "Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I" letter.
- Within the 48-hour timeframe, American Leadership Academy, Inc. provided evidence that the non-instructional custodian was no longer an employee of American Leadership Academy, Inc.

Communications with School

On December 1st, Board staff conducted a first year site visit of ALA San Tan. The school was unable to provide evidence that its non-instructional custodian had been subject to a fingerprint check as required by A.R.S. §15-512 or had a valid fingerprint clearance card.

- On December 5th, 2011, in a telephone call, Principal Archunde informed staff that the custodian had in fact been receiving monetary compensation for his services based on a verbal agreement, that he had filled out the employment application forms, and that he had been relieved of his duties and was no longer receiving any benefit. Based on this new information, a decision was made to issue the "Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I" letter.
- December 5th, staff visited the charter holder's corporate office to provide the notification required under A.R.S. §15-185(I).
- In accordance with A.R.S. §15-185(I) and the Board's Policy Statement on Civil Penalties for Fingerprinting Violations, staff issued the "Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I" letter and reviewed the letter, the Board's policy statement and the civil penalty law's requirements with Authorized Representative Glenn Way of American Leadership Academy, Inc.
- The notification letter included a deadline of Wednesday, December 7th at 5:04 p.m. for American Leadership Academy, Inc. to provide evidence to Board office that an application for the appropriate fingerprint check had been received by DPS and thereby avoid a civil penalty of \$1,000.
- On December 5th at 5:50 p.m., staff received an email from American Leadership Academy, Inc. indicating that the non-instructional custodian was no longer their employee.

A link has been included to the "Notification of first time noncompliance with fingerprinting requirements under "A.R.S. §15-185.I" provided to the school and includes the school's response. The confidential information provided by the school has not been included in the Board materials.

Board Options

In accordance with the Board's policy statement, the Board must review all possible first time occurrences and make the final determination as to whether each will count as a first time occurrence.

1. I move, based on the information contained in the Board materials and presented today, that the Board find the following:
 - 1) That American Leadership Academy, Inc. failed to comply with the fingerprinting requirements prescribed in A.R.S. §15-512 for one of its non-instructional personnel; and
 - 2) That for civil penalty purposes under A.R.S. §15-185(I), this constitutes the first time American Leadership Academy, Inc. is out of compliance with statutory fingerprinting requirements; and
 - 3) That American Leadership Academy, Inc. provided proof within the required timeframe of notification that the individual was no longer employed by the charter school; and

4) That no civil penalty be imposed at this time.

Further, the Board directs staff to:

- Apprise the charter operator of the Board's findings and decision in this matter; and
- Notify the charter operator that if the Board determines that the charter school subsequently violates the fingerprinting requirements during the next five years, a civil penalty of \$1,000 per occurrence shall automatically be imposed.

2. The Board may determine that a first time violation of A.R.S. §15-512 has not occurred.

Staff's Recommendation

Staff's recommendation is Option #1.