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**AGENDA ITEM: Compliance Matters – Civil Penalties (Archway Classical Academy Chandler)****Issue**

During an October 2011 site visit, Archway Classical Academy Chandler was unable to provide evidence that all of its employees had been properly fingerprinted.

- On October 25, 2011, Archway Classical Academy Chandler was unable to provide evidence of a valid fingerprint clearance card for a 2<sup>nd</sup> grade teacher.
- In accordance with [A.R.S. §15-185\(I\)](#) and the Board's [Policy Statement on Civil Penalties for Fingerprinting Violations](#), on October 31<sup>st</sup>, staff issued the "Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I" letter.
- Within the 48-hour timeframe, Archway Classical Academy Chandler provided evidence that the Department of Public Safety (DPS) had received a fingerprint clearance card application for the 2<sup>nd</sup> grade teacher.

**Communications with School**

On October 25<sup>th</sup>, Board staff conducted a first year site visit of Great Hearts Academies – Archway Chandler. The school was unable to provide evidence that its 2<sup>nd</sup> grade teacher had a valid fingerprint clearance card (FCC) as required by A.R.S. §15-183.C.5.

- On October 31<sup>st</sup>, staff visited the school 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 Headmaster Fawcett of Great Hearts Academies – Archway Chandler.
- The notification letter included a deadline of Wednesday, November 2<sup>nd</sup> at 3:16 p.m. for Archway Classical Academy Chandler 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 November 1<sup>st</sup> at 11:30 a.m., staff received evidence that DPS had received a fingerprint clearance card application for the 2<sup>nd</sup> grade teacher. Staff received an email describing the school's efforts to obtain confirmation of the application's receipt by DPS. The email included a copy of the 2<sup>nd</sup> grade teacher's fingerprint clearance card application, with information of the badge number of the DPS officer that received it, a proof of submission to the Arizona Department of Public Safety accessed through the Arizona Department of Education's website Common Logon, and a letter explaining the steps taken to ensure compliance.

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 and used by staff to confirm the FCC 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.

**Recommended Motion:**

In as much as it has been determined that 1) this constitutes the first time that the charter school is out of compliance with the fingerprinting requirements and 2) that the school provided timely proof of the required submissions, I move that the one occurrence, as it has been presented and documented in the Board materials and discussed, constitutes Archway Classical Academy Chandler's first time for civil penalty purposes under A.R.S. § 15-185(I). This motion is based on the following findings:

- 1) Archway Classical Academy Chandler failed to comply with fingerprinting requirements prescribed in A.R.S. §15-183(C); and
- 2) Archway Classical Academy Chandler provided proof within the required timeframe of the written notification that an application for the appropriate fingerprint check has been received by the Department of Public Safety.

Further, the Board directs staff to:

- 3) Apprise Archway Classical Academy Chandler of the Board's findings and decision in this matter; and
- 4) 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.