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

During an October 2011 site visit, Archway Classical Academy Chandler, which operates Great Hearts Academies – Archway 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 the 2nd grade teacher. The 2nd grade teacher was observed in the classroom.
- In accordance with [A.R.S. §15-185\(I\)](#) and the Board’s [Policy Statement on Civil Penalties for Fingerprinting Violations](#), on October 31st, 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 had received a fingerprint clearance card application for the 2nd grade teacher. On November 1st, staff received an email describing efforts to obtain confirmation of the application’s receipt.

Communications with School

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

- On October 31st, 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 2nd 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 1st at 11:30 a.m., staff did receive evidence that DPS had received a fingerprint clearance card application for the 2nd 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 2nd 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, along with 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 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 Archway Classical Academy Chandler failed to comply with the fingerprinting requirements prescribed in A.R.S. §15-183(C) for one of its teachers; and
- 2) That for civil penalty purposes under A.R.S. §15-185(l), this constitutes the first time Archway Classical Academy Chandler is out of compliance with statutory fingerprinting requirements; and
- 3) That Archway Classical Academy Chandler provided proof within the required timeframe of notification that an application for the appropriate fingerprint check has been received by the Department of Public Safety; 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. §15-183(C) has not occurred.

Staff's Recommendation

Staff's recommendation is Option #1.