
AGENDA ITEM: Compliance Matters – Civil Penalties (Arizona Academy of Leadership, Inc.)

Issue

During recent site visits, Arizona Academy of Leadership, Inc. was unable to provide evidence that all of its employees had been properly fingerprinted.

- On October 19, 2011 and November 1, 2011, Arizona Academy of Leadership – Central was unable to provide evidence of a valid fingerprint clearance card for a paraprofessional.
- In accordance with [A.R.S. §15-185.I](#) and the Board’s [Policy Statement on Civil Penalties for Fingerprinting Violations](#), on November 1st, staff issued the “Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I” letter.
- On November 2nd, Arizona Academy of Leadership provided evidence to the Board’s office that the paraprofessional had a valid fingerprint clearance card that had been issued prior to October 19th – the date of the first site visit.

Communications with School

On October 19th, Board staff conducted a general monitoring site visit of Arizona Academy of Leadership – Central. The school was unable to provide evidence that its paraprofessional had a valid fingerprint clearance card (FCC) as required by A.R.S. §15-183.C.5.

- On October 31st, Board staff sent a letter requesting the school provide a copy of the paraprofessional’s FCC by noon on November 1st.
- On October 31st, the school provided information showing that a fingerprint check pursuant to A.R.S. §15-512 had been requested for the paraprofessional in September 2010. Board staff accessed the Certification Search application through the Arizona Department of Education’s website and, using the information provided by the school, determined that the paraprofessional did not have a FCC.
- On November 1st, Board staff conducted a second visit to the school. Due to changes that had occurred at the school between the two visits, Board staff affirmed that the paraprofessional job duties still included instructional responsibilities. In accordance with A.R.S. §15-185.I and the Board’s Policy Statement on Civil Penalties for Fingerprinting Violations, Board 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 the charter representative.
- The notification letter included a deadline of Thursday, November 3rd by 2:30 p.m. for Arizona Academy of Leadership to provide proof to the Board’s office that an application for the appropriate fingerprint check had been received by the Department of Public Safety (DPS) and thereby avoid a civil penalty of \$1,000.
- On November 2nd, Arizona Academy of Leadership provided our office with a copy of the paraprofessional’s FCC. On November 2nd, Board staff confirmed with DPS that the FCC was valid.

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. 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.

Since Board staff verified that the paraprofessional had been issued a valid fingerprint clearance card prior to the October 19th site visit, there was no violation of A.R.S. §15-183.C.5. Accordingly, pursuant to its policy statement, the Board must make a determination that this should not constitute Arizona Academy of Leadership, Incorporated’s first time for civil penalty purposes.

Recommended Motion:

I move the Board make a determination that based on the Board’s policy statement on civil penalties and A.R.S. §15-183.C.5, this did not constitute Arizona Academy of Leadership, Incorporated’s first time occurrence for civil penalty purposes under A.R.S. §15-185.I.