
AGENDA ITEM: Compliance Matters – Civil Penalties (Arizona Agribusiness & Equine Center, Inc.)

Issue

During the course of the first-year site visit, Arizona Agribusiness & Equine Center, Inc. was unable to provide evidence that all of its employees had been properly fingerprinted.

- Arizona Agribusiness & Equine Center, Inc. was unable to provide evidence of a valid fingerprint clearance card for the Spanish teacher. The teacher was not 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 7, staff issued the “Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I” letter.
- Within the 48-hour timeframe, Arizona Agribusiness & Equine Center, Inc. did not provide evidence that the Department of Public Safety (DPS) had received a fingerprint clearance card application for the Spanish teacher.

Communications with School

During the course of the first year site visit of Arizona Agribusiness & Equine Center – Prescott Valley, the school was unable to provide evidence that its Spanish teacher had a valid fingerprint clearance card (FCC) as required by A.R.S. §15-183.C.5.

- On December 7, staff met with corporate office personnel and provided 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 Dr. Linda Downing, via phone communication at the charter holder’s corporate office.
- The notification letter included a deadline of December 9 at 8:30 a.m. for Arizona Agribusiness & Equine Center, Inc. to provide evidence to Board office that an application for the appropriate fingerprint check has been received by DPS and thereby avoid a civil penalty of 1,000.
- On December 7 at 3:00 p.m., staff received a copy of the Spanish teacher’s fingerprint clearance card application and a receipt from the City of Cottonwood – Police Department that fingerprints had been taken by the officer (Badge #1220).
- On December 7 at 4:30 p.m., staff spoke with the officer to verify that the fingerprints had been received. The officer indicated that for IVP fingerprints, once they are taken, they are placed in a blue envelope with the check and application and mailed to DPS the next day. No evidence was provided to the Board that DPS had received the information within the timeframe.
- On December 28, Board staff confirmed with DPS that the fingerprint clearance card application is in process.

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. (when imposing a civil penalty) I move, based on the information contained in the Board materials and presented today, that the Board find the following:
 - 1) That Arizona Agribusiness & Equine Center, Inc. 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(I), this constitutes the first time Arizona Agribusiness & Equine Center, Inc. is out of compliance with statutory fingerprinting requirements; and
 - 3) That Arizona Agribusiness & Equine Center, Inc. failed to provide 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, as a result, the Board imposes a civil penalty of \$1,000 for the one occurrence of Arizona Agribusiness & Equine Center, Inc.'s noncompliance with fingerprinting requirements prescribed in A.R.S. 15-183(C).

Further, the Board directs staff to:

- Apprise the charter operator of the Board's findings and decision in this matter and its appeal rights under Arizona law;
- 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; and
- Timely request the Arizona Department of Education to reduce the amount of state aid that the charter operator would otherwise receive by an amount equal to the civil penalty.

2. (when not imposing a civil penalty) I move, based on the information contained in the Board materials and presented today, that the Board find the following:
 - 1) That Arizona Agribusiness & Equine Center, Inc. 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(I), this constitutes the first time Arizona Agribusiness & Equine Center, Inc. is out of compliance with statutory fingerprinting requirements; and
 - 3) 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.

3. 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.