

Issue

During an October 2014 1st year site visit, SySTEM Schools, which operates SySTEM Phoenix, was unable to provide evidence that all of its employees had been properly fingerprinted.

- On October 23, 2014, SySTEM Schools was unable to provide evidence of a valid fingerprint clearance card for a contracted bus monitor, who 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 October 23, staff issued the "Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I" letter.
- Within the 48-hour timeframe, SySTEM Schools provided evidence that the Department of Public Safety (DPS) had received a fingerprint clearance card application for the contracted bus monitor. The Charter Holder also provided evidence that the contracted employee had submitted fingerprints for a background check through DPS.

Communications with School

On October 23, Board staff conducted a first year site visit of SySTEM Phoenix. The school was unable to provide evidence that one of its contractor's employees had a valid fingerprint clearance card (FCC) as required by A.R.S. §15-512 (H).

- According to Angelica Cruz, Charter Representative and school leader of SySTEM Phoenix, the bus monitor is an employee of Vista College Preparatory, Inc. (Vista), a Charter Holder which provides bus services to SySTEM Phoenix under contract. She stated that the employee had been fingerprinted by Vista for a DPS background check under A.R.S. §15-512, but that by law, Vista was not permitted to share the results of the background check with other entities. She produced a completed FCC application form for the employee, dated September 2, 2014, but was not able to provide evidence that the form had been received by DPS. In a telephone conversation with the employee during the site visit, she found that the application had not been submitted.
- On October 23, during the 1st year site visit, staff 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 Ms. Cruz.
- The notification letter included a deadline of Wednesday, October 27 at 11:40 a.m. for SySTEM Schools 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 per occurrence.
- On October 24 at 1:33 p.m., Ms. Cruz sent an email to Board staff which stated that the office had scanned and emailed the receipt received from DPS when the employee submitted the FCC application. However, no email containing the receipt was received.
- On October 27 at 10:00 a.m., Board staff called Ms. Cruz to tell her that the receipt had not been received. At 10:13 a.m., Ms. Cruz emailed staff a scanned copy of an October 24 date stamp from DPS with a badge number, and in a second email a copy of the FCC application form, as well as a fingerprint check form from DPS received on October 27.
- The receipt of the FCC application by DPS was confirmed through the DPS website. As of November 13, 2014, the DPS website shows the FCC application is in process.

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.

Option 1: Having considered the statements of the representatives of the Charter Holder today, I move, based on the information contained in the Board materials and presented today that the Board find the following:

- 1) That SySTEM School failed to comply with the fingerprinting requirements prescribed in A.R.S. §15-512(H) for a contracted bus monitor; and
- 2) That for civil penalty purposes under A.R.S. §15-185(I), this constitutes the first time SySTEM Schools is out of compliance with statutory fingerprinting requirements; and
- 3) That SySTEM Schools 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 for the contracted employee; and
- 4) That no civil penalty be imposed at this time.

Further, the Board directs staff to:

- Apprise the Charter Holder of the Board's findings and decision in this matter; and
- Notify the Charter Holder 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.

Option 2: Notwithstanding staff's recommendation to not impose a civil penalty, the Board may determine that a first time violation of A.R.S. §15-183(C) has not occurred.