

Arizona State Board for Charter Schools

1700 W. Washington Street, Room 164
Phoenix, AZ 85007



Phone: (602) 364-3080
Fax: (602) 364-3089

August 27, 2009

Espiritu Community Development Corp.
c/o Fernando Ruiz, Charter Representative
4848 South 2nd Street
Phoenix, AZ 85040



RE: NOTICE OF BOARD MEETING TO CONSIDER IMPOSITION OF CIVIL PENALTY UNDER
A.R.S. § 15-185(I)

Dear Mr. Ruiz:

On August 17, 2009, staff of the Arizona State Board for Charter Schools ("Board") conducted a site visit of Esperanza Montessori Academy, Reyes Maria Ruiz Leadership Academy, and NFL YET College Prep Academy and reviewed the schools' compliance with fingerprinting requirements as prescribed in A.R.S. §§ 15-183.C.4 and 15-512.

During the visit, the school could not produce a valid fingerprint clearance card in accordance with A.R.S. § 15-183.C.4 for Dawn Michelle Dillon, a contracted special education aide, who was observed working with students. On August 18th, Espiritu provided a copy of a fingerprint clearance card application dated July 19, 2009 for Ms. Dillon. On August 19th, Board staff contacted the Arizona Department of Public Safety (DPS) and was told that Ms. Dillon's application for a fingerprint clearance card had been denied and that notification was sent to her on July 23, 2009. DPS was unable to provide information as to the basis for the denial.

Pursuant to A.R.S. §15-183.C.4, "[a]ll persons engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal shall have a valid fingerprint clearance card" Further, while charter schools may hire personnel that have not yet received a fingerprint clearance card, the school must meet the requirements cited in A.R.S. § 15-183.C.4 (A copy of A.R.S. § 15-183.C.4 is accessible at the Board's website or at <http://www.azleg.gov/ArizonaRevisedStatutes.asp>)

By **September 2, 2009**, please provide the following:

- Information as to the current status of Ms. Dillon's fingerprint clearance card, if it differs from that stated above.
- Documentation showing that Espiritu complied with all of the "emergency hire" requirements in A.R.S. §15-183.C.4 for Ms. Dillon; and
- The steps taken by Espiritu to ensure it is in compliance with A.R.S. 15-183.C.4 for all of its contracted service providers.

As you were previously notified in the Board's letter dated March 3, 2008, at its meeting on February 11, 2008, the Board determined that Espiritu failed to comply with statutory fingerprinting requirements and that the four occurrences constituted the charter school's first time for civil penalty purposes under A.R.S. § 15-185.I. No civil penalty was imposed at that time since Espiritu provided proof within 48 hours of the written notification that an application for the appropriate fingerprint check had been received by DPS.

"To foster accountability in charter schools, which will improve student achievement through market choice."

The Board's March 2008 letter also stated, "You are further notified that if the Board determines that the charter school subsequently violates the fingerprinting requirements prescribed in A.R.S. §§ 15-183.C.4 or 15-512, a civil penalty of \$1,000.00 per occurrence shall be automatically imposed."

At its September 14, 2009 meeting, the Board will determine whether the occurrence identified during the August 17th site visit constitutes a subsequent occurrence in accordance with A.R.S. § 15-185.I and the Board's Policy Statement on Civil Penalties for Fingerprinting Violations. The September 14th Board meeting is scheduled to begin at 9:30 a.m. and will be held at 1535 W. Washington Street, Room 417 in Phoenix at the Arizona Department of Education. At its discretion, the Board may provide you or a representative with an opportunity to address the Board regarding this matter and to respond to Board member questions.

If you have any questions prior to the meeting, please contact our office at (602) 364-3080.

Sincerely,

A handwritten signature in cursive script that reads "DeAnna Rowe".

DeAnna Rowe
Executive Director

Arizona State Board for Charter Schools

1700 W. Washington Street, Room 164
Phoenix, AZ 85007



Phone: (602) 364-3080
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September 8, 2009

Shelley D. Cutts
Senior Associate
Calderon Law Offices
2020 N. Central Avenue, Suite 1110
Phoenix, AZ 85004

Dear Ms. Cutts:

Our office has received your September 2, 2009 letter sent on behalf of your client, Espiritu Community Development Corp., and in response to the Board's August 27th letter, which provided notice of the meeting at which the Board will consider whether to impose a civil penalty under A.R.S. §15-185.I. At Espiritu's request, the Board will address this matter at its November 20, 2009 meeting instead of at its September 28th meeting. A copy of your September 2nd letter, including enclosures, will be provided to the Board in November for its consideration.

The November 20th meeting will begin at 9:30 a.m. and be held at 1700 W. Washington Street, Room B-56 in Phoenix.

If you have any questions prior to the meeting, please contact our office at (602) 364-3080.

Sincerely,

DeAnna Rowe
Executive Director

cc: Fernando Ruiz, Charter Representative, Espiritu Community Development Corp.