
AGENDA ITEM: Compliance Matters – Civil Penalties (Graysmark Schools Corporation)**Issue**

During a December 2011 site visit, Graysmark Schools Corporation, which operates Holsteiner Agricultural School, was unable to provide evidence that all of its employees had been properly fingerprinted.

- On December 8, 2011, Graysmark Schools Corporation was unable to provide evidence of a valid fingerprint clearance card or background check for a non-instructional clerical worker. The clerical worker 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 8th, staff issued the "Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I" letter.
- Within the 48-hour timeframe, Graysmark Schools Corporation provided evidence that the Department of Public Safety (DPS) had received a fingerprint clearance card application for the non-instructional clerical worker.

Communications with School

On December 8th, Board staff conducted a first year site visit of Holsteiner Agricultural School. The school was unable to provide evidence that its non-instructional clerical worker had been subject to a fingerprint check as required by A.R.S. §15-512 or had a valid fingerprint clearance card.

- On December 8th, during the 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 Charter Representative Tanya Graysmark of Graysmark Schools Corporation.
- The notification letter included a deadline of Monday, December 12th at 10:18 a.m. for Graysmark Schools Corporation 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 December 9th at 12:35 p.m., staff received evidence that DPS had received an application for the non-instructional clerical worker. Staff received a fax including proof of submission to the Arizona Department of Public Safety.

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 Graysmark Schools Corporation failed to comply with the fingerprinting requirements prescribed in A.R.S. §15-512 for one of its non-instructional personnel; and
 - 2) That for civil penalty purposes under A.R.S. §15-185(I), this constitutes the first time Graysmark Schools Corporation is out of compliance with statutory fingerprinting requirements; and
 - 3) That Graysmark Schools Corporation 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. §15-512 has not occurred.

Staff's Recommendation

Staff's recommendation is Option #1.