

Issue

During an October 2014 1st year site visit_Heritage Academy Laveen, Inc., which operates Heritage Academy Laveen, was unable to provide evidence that all of its employees had been properly fingerprinted.

- On October 16, 2014, Heritage Academy Laveen, Inc. was unable to provide evidence of a valid fingerprint clearance card for an instructional aide. The employee 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 16, staff issued the “Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I” letter.
- Within the 48-hour timeframe, Heritage Academy Laveen, Inc. provided evidence that the Department of Public Safety (DPS) had received a fingerprint clearance card application for the instructional aide.

Communications with School

On October 16, Board staff conducted a first year site visit of Heritage Academy Laveen. The school was unable to provide evidence that an employee had a valid fingerprint clearance card as required by A.R.S. §15-183(C)(5).

- On October 16, 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 Kimberly Ellsworth, school principal of Heritage Academy Laveen.
- The notification letter included a deadline of Monday, October 18 at 1:25 p.m. for Heritage Academy Laveen, Inc. 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 16, at 2:16 p.m., Ms. Unger, Executive Assistant at Heritage Academy Laveen, sent an email to Board staff which included evidence that DPS has received a fingerprint clearance card application for the instructional aide.
- On November 12, 2014, Board staff confirmed that the fingerprint clearance card application for the instructional aide is in process with DPS.

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 Heritage Academy Laveen, Inc. failed to comply with the fingerprinting requirements prescribed in A.R. S.§15-183(C)(5) for the instructional aide; and
- 2) That for civil penalty purposes under A.R.S. §15-185(I), this constitutes the first time Heritage Academy Laveen, Inc. is out of compliance with statutory fingerprinting requirements; and

- 3) That Heritage Academy Laveen, Inc. 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 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.