

### Issue

During an October 2014 1<sup>st</sup> year site visit, Innovative Humanities Education Corporation, which operates Copper Point High School, was unable to provide evidence that all of its employees had been properly fingerprinted.

- On October 23, 2014, Innovative Humanities Education Corporation was unable to provide evidence of a background check for the Student Services Coordinator. 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 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, Innovative Humanities Education Corporation provided evidence that the Department of Public Safety (DPS) had received a fingerprint clearance card application for the Student Services Coordinator. The Charter Holder also provided evidence that the school has registered to receive Noncriminal Justice Agency Training from DPS in the month of November, which will authorize the school to have access to criminal justice and criminal history record information.

### Communications with School

On October 23, Board staff conducted a first year site visit of Copper Point High School. The school was unable to provide evidence that an employee had a background check as required by A.R.S. §15-512.

- On October 23, during the 1<sup>st</sup> 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 Joseph McKnight, Charter Representative and school leader of Innovative Humanities Education Corporation.
- The notification letter included a deadline of Monday, October 27 at 12:30 p.m. for Innovative Humanities Education 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 per occurrence.
- On October 27, at 10:29 a.m., Mr. McKnight sent an email to Board staff which included evidence that DPS has received a fingerprint clearance card application for the Student Services Coordinator and a completed registration form for him to attend the Noncriminal Justice Agency Training in November.
- On November 12, 2014, Board staff confirmed that the fingerprint clearance card application for the Student Services Coordinator 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 Innovative Humanities Education Corporation failed to comply with the fingerprinting requirements prescribed A.R.S. §15-512 for the Student Services Coordinator; and

- 2) That for civil penalty purposes under A.R.S. §15-185(l), this constitutes the first time Innovative Humanities Education Corporation is out of compliance with statutory fingerprinting requirements; and
- 3) That Innovative Humanities Education 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 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.