
AGENDA ITEM: Compliance Matters – Civil Penalties (LEAD Charter Schools)**Issue**

During a December 2011 site visit, LEAD Charter Schools, which operates Leading Edge Academy at Heritage, was unable to provide evidence that all of its employees had been properly fingerprinted.

- On December 13th, 2011, LEAD Charter Schools was unable to provide evidence of a valid fingerprint clearance card for a special education teacher. The teacher's previous card had expired on December 12th, 2011. The teacher was supervising students in a classroom 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 13th, staff issued the "Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I" letter.
- At the time of the site visit, LEAD Charter Schools provided evidence that the Department of Public Safety (DPS) had received a fingerprint clearance card application for the teacher. However, a valid card had not yet been issued.

Communications with School

On December 13th, Board staff conducted a first year site visit of Leading Edge Academy at Heritage. The school was unable to provide evidence that a special education teacher had a valid fingerprint clearance card (FCC) as required by A.R.S. §15-183.C.5.

- On December 13th, 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 School Director Melynda Johnson of Leading Edge Academy at Heritage.
- The notification letter included a deadline of Monday, December 15th at 12:23 p.m. for LEAD Charter 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.
- On December 13th, during the site visit, School Director Johnson logged on to the Common Logon Certification Check website maintained by the Arizona Department of Education and provided evidence that the FCC application had been received by the Department of Public Safety on December 7th, 2011, but that a valid FCC had not been issued.

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.

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 LEAD Charter Schools failed to comply with the fingerprinting requirements prescribed in A.R.S. §15-183(C) for one of its teachers; and
 - 2) That for civil penalty purposes under A.R.S. §15-185(I), this constitutes the first time LEAD Charter Schools is out of compliance with statutory fingerprinting requirements; and
 - 3) That LEAD Charter 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; 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. §15-183(C) has not occurred.

Staff's Recommendation

Staff's recommendation is Option #1.