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**AGENDA ITEM:** Compliance Matters – Civil Penalties (The Charter Foundation, Inc.)

**Issue**

During a December 2011 visit, The Charter Foundation, Inc., which operates AmeriSchools Academy North, was unable to provide evidence that all of its employees had been properly fingerprinted.

- On December 8, 2011, The Charter Foundation, Inc. was unable to provide evidence of a valid fingerprint clearance card or background check for the Front Office person. The employee was 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 8, staff issued the “Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I” letter.
- Within the 48-hour timeframe, The Charter Foundation, Inc. provided evidence that the Department of Public Safety (DPS) had received a fingerprint clearance card application for the Front Office person.

**Communications with School**

On December 8, Board staff conducted a first year site visit of AmeriSchools Academy North. The school was unable to provide evidence that its Front Office person had subject to a fingerprint check as required by A.R.S. §15-512 or had a valid fingerprint clearance card.

- On December 8, 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 Principal Bill Wachunas of AmeriSchools Academy North.
- The notification letter included a deadline of December 12 at 12:00 p.m. for The Charter Foundation, 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.
- On December 9 at 2:00 p.m., staff did receive evidence that DPS had received an application for the Front Office person. Staff received a copy of the application, with information of the badge number of the DPS officer that received it. Board staff verified the information with DPS on December 9.

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 The Charter Foundation, Inc. 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 The Charter Foundation, Inc. is out of compliance with statutory fingerprinting requirements; and
- 3) That The Charter Foundation, 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 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.