

### Issue

During an October 2012 site visit, The Paideia Academies, Inc., which operates The Paideia Academy of South Phoenix, was unable to provide evidence that all of its employees had been properly fingerprinted.

- On October 3, 2012, The Paideia Academies, Inc. was unable to provide evidence of a valid fingerprint clearance card (FCC) for a 3rd grade teacher. The teacher was observed instructing students at the time of the site visit.
- On October 3, 2012, The Paideia Academies, Inc. was unable to provide evidence of a valid fingerprint clearance card or background check for a non-instructional business manager. The business manager 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 3rd, 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 Paideia Academies, Inc. did not provide evidence that the Department of Public Safety (DPS) had received a FCC application for the 3<sup>rd</sup> grade teacher.
- Within the 48-hour timeframe, The Paideia Academies, Inc. did not provide evidence that DPS had conducted a background check on the business manager.

### Communication with School

On October 3rd, Board staff conducted a first year site visit of The Paideia Academy of South Phoenix. The school was unable to provide evidence that its third grade teacher had a valid FCC as required by A.R.S. §15-183.C.5, or that its non-instructional business manager had been subject to a fingerprint check as required by A.R.S. §15-512 or had a valid fingerprint clearance card.

- On October 3rd, 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 Robert C. Winsor of The Paideia Academies, Inc.
- The notification letter included a deadline of Friday, October 5th at 11:05 a.m. for The Paideia Academies, Inc. to provide evidence to Board office that an application for the appropriate fingerprint checks had been received by DPS and thereby avoid a civil penalty of \$1,000.
- On October 4th, Dr. Winsor emailed board staff that a substitute would be provided for the third grade teacher until she gets her card, and that the business manager would not come on campus until his background check was completed.
- On October 5<sup>th</sup> at 11:44 am, staff received evidence that DPS had conducted a background check on the business manager, and that the Phoenix Police Department received a FCC application for the 3rd grade teacher.

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. The school's response contains confidential information and 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.

Option 1: The Board may determine that a first time violation of A.R.S. §15-183(C) has not occurred.

Option 2: The Board may decide that The Paideia Academies, Inc. has provided proof of compliance within the required timeframe. The following language is provided for Board consideration: I move, based on the information contained in the Board materials and presented today, that the Board find the following:

- 1) That The Paideia Academies, Inc. failed to comply with the fingerprinting requirements prescribed in A.R.S. §15-183(C) for one of its teachers; and

- 2) That The Paideia Academies, Inc. failed to comply with the fingerprinting requirements prescribed in A.R.S. §15-512 for one of its non-instructional personnel; and
- 3) That for civil penalty purposes under A.R.S. §15-185(I), this constitutes the first time The Paideia Academies, Inc. is out of compliance with statutory fingerprinting requirements; and
- 4) That The Paideia Academies, Inc. provided proof within the required timeframe of notification that an application for the appropriate fingerprint check has been received by Department of Public Safety; and
- 5) 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.

Option 3: The Board may decide that The Paideia Academies, Inc. has NOT provided proof of compliance within the required timeframe. Staff recommends the following language for consideration: I move, based on the information contained in the Board materials and presented today, that the Board find the following:

- 1) That The Paideia Academies, Inc. failed to comply with the fingerprinting requirements prescribed in A.R.S. §15-183(C) for one of its teachers; and
- 2) That The Paideia Academies, Inc. failed to comply with the fingerprinting requirements prescribed in A.R.S. §15-512 for one of its non-instructional personnel; and
- 3) That for civil penalty purposes under A.R.S. §15-185(I), this constitutes the first time The Paideia Academies, Inc. is out of compliance with statutory fingerprinting requirements; and
- 4) That The Paideia Academies, Inc. failed to provide 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
- 5) That, as a result, the Board imposes a civil penalty of \$2,000 for the two occurrences of The Paideia Academies, Inc.'s noncompliance with fingerprinting requirements prescribed in A.R.S. 15-183(C).

Further, the Board directs staff to:

- Apprise the charter operator of the Board's findings and decision in this matter and its appeal rights under Arizona law;
- 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; and
- Timely request the Arizona Department of Education to reduce the amount of state aid that the charter operator would otherwise receive by an amount equal to the civil penalty.