

Issue

During an October 2014 1st year site visit, Western School of Science and Technology, Inc. which operates Western School of Science and Technology, was unable to provide evidence that all of its employees had been properly fingerprinted.

- On October 6, 2014, Western School of Science and Technology, Inc. was unable to provide evidence of a valid fingerprint clearance card for two instructional aides and a background check for a non-instructional aide. One of the instructional aides was observed in the classroom. The second instructional aide and the non-instructional aide were 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 6, staff issued the "Notification of first time noncompliance with fingerprinting requirements under A.R.S. §15-185.I" letter.
- Within the 48-hour timeframe, Western School of Science and Technology, Inc. provided evidence that all three employees were no longer employed by Western School of Science and Technology, Inc.

Communications with School

On October 6, Board staff conducted a first year site visit of Western School of Science and Technology. The school was unable to provide evidence that two of its employees had a valid fingerprint clearance card (FCC) as required by A.R.S. §15-183(C)(5) and one employee had a background check as required by A.R.S. §15-512.

- On October 6, 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 Peter Boyle, Charter Representative and school leader of Western School of Science and Technology, Inc.
- The notification letter included a deadline of Wednesday, October 8 at 12:00 p.m. for Western School of Science and Technology, 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 6, during the site visit, Mr. Boyle stated that the two instructional aides had been hired as emergency hires. A.R.S. §15-183(C)(5) allows a charter school to hire personnel that have not yet received a fingerprint clearance card if the school complies with 7 items. At the site visit, Mr. Boyle was able to provide 4 out of 7 items. They were the following:
 - Documentation for the necessity for hiring and placement of the employees before receiving a FCC,
 - References from the employees' current employers and two most recent previous employers (as applicable),
 - A completed report that was conducted to search for criminal records in all local jurisdictions outside of Arizona for both employees, and
 - Verification from Mr. Boyle that general supervision was provided to the employees.
- The remaining three items, Mr. Boyle was unable to provide were: proof of the submission of two FCC applications to DPS, a complete statewide criminal history records check conducted by DPS for the two instructional aides, and verification of the fingerprint status with DPS.

- On October 8, at 11:56 a.m., Mr. Boyle sent an email to Board staff which included a termination letter for each of the three employees mentioned above.
- On November 12, Board staff spoke with Mr. Boyle and confirmed that one of the instructional aides was no longer employed with Western School of Science and Technology, Inc., and two of the employees had been re-hired as non-instructional aides under the school's revised fingerprint clearance policy. The school's policy states, "All other non-instructional personnel are required to obtain a fingerprint clearance card issued pursuant to title 41, chapter 12, article 3.1".
- On November 14, Board staff has confirmed through DPS that a background check had been completed for each of the two non-instructional aides that were re-hired. One of the non-instructional aides has also been issued a valid FCC.

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 Western School of Science and Technology, Inc. failed to comply with the fingerprinting requirements prescribed in A.R.S. §15-183(C) for two of its instructional aides and A.R.S. §15-512 for one non-instructional aide; and
- 2) That for civil penalty purposes under A.R.S. §15-185(I), this constitutes the first time Western School of Science and Technology, Inc. is out of compliance with statutory fingerprinting requirements; and
- 3) That Western School of Science and Technology, Inc. provided proof within the required timeframe of notification that a termination letter was issued for all three employees by Western School of Science and Technology, Inc., effective October 8, 2014; 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.