

POLICY STATEMENT
CIVIL PENALTIES FOR FINGERPRINTING VIOLATIONS
A.R.S. § 15-185

Background

Laws 2007, 1st Reg. Sess., ch. 6, § 1, which amends A.R.S. § 15-185, grants charter school sponsors the authority, under certain circumstances, to impose a civil penalty of \$1,000 per occurrence if a charter school fails to comply with the fingerprinting requirements prescribed in A.R.S. § 15-183.C or A.R.S. § 15-512. The law takes effect on September 19, 2007.

Board Policy

Definitions

“Occurrence” means a single instance of a violation of either A.R.S. § 15-183.C or A.R.S. § 15-512. For civil penalty purposes, an occurrence remains in the charter holder’s current history for five years.

“First time” means either the first time after the law goes into effect that a fingerprinting occurrence is identified by Board staff through an event (e.g., a site visit to a school) or, if five or more years have passed between occurrences, a fingerprinting occurrence identified by Board staff through an event that occurs more than five years after the previous occurrence. If the event identifies more than one occurrence, then all of the occurrences identified will encompass the first time.

Process for Imposing Civil Penalties

- Staff identifies and substantiates an occurrence.
- Staff executes the notice.
 - If first time, the notice:
 - ❖ Identifies that this is a first time occurrence;
 - ❖ Secures signatures to establish 48 hour timeframe;
 - ❖ Specifies the deadline;
 - ❖ Requests immediate corrective action; and
 - ❖ Provides preliminary notification of the Board’s consideration regarding imposing a civil penalty of \$1,000 per occurrence.
 - If subsequent, the notice:
 - ❖ Identifies that this is a subsequent occurrence;
 - ❖ Requests immediate corrective action; and
 - ❖ Provides preliminary notification of the Board’s consideration regarding imposing a civil penalty of \$1,000 per occurrence.
- Charter holder with first time or subsequent occurrence is scheduled for next Board meeting.

- Evidence is presented to the Board.
- Board determines if a first time or subsequent occurrence exists. The Board will review all possible first time occurrences and make the final determination as to whether each will count as a first time occurrence.
- Board imposes a civil penalty if it is a subsequent occurrence **or** if it is a first time occurrence and the charter school fails to provide proof within 48 hours of written notification that an application for the appropriate fingerprint check as required by either A.R.S. § 15-183.C or A.R.S. § 15-512 has been received by the Department of Public Safety or that the individual's employment has been terminated¹.
- Charter school may appeal Board's determination. The Board will hear the appeals from charter schools.

Historical Note:

Effective:	September 19, 2007
Board Approval Date:	September 14, 2007
Revised:	N/A

¹ The Board is neither requiring nor encouraging the school to terminate an individual. However, the Board wanted the school to retain the ability to terminate the individual's employment if the school determined it was the appropriate action.