



Fingerprinting: A Charter School Guide

SEPTEMBER 14, 2016

The material contained in this presentation is for informational purposes only. The information is not intended to be and should not be considered legal advice. Charter schools should consult their own legal counsel for further information and advice.

Who Must Be Fingerprinted?

- All Employees Regardless of Position
- Contractors, Subcontractors, Vendors, or Their Employees [Unless exempted per A.R.S. §15-512(H)]
- Instructional/Non-Instructional Volunteers [Unless exempted per A.R.S. §§15-183(C) or 15-512(A)]
- Governing Body Members [Required by charter contract]



Fingerprinting Processes

- A.R.S. §15-183(C)(5) Provides for Two Processes Based on Individual's Position
 - Fingerprint clearance card (FCC)
 - Fingerprint check
- Two Processes Provide Schools Flexibility
- Law Amended in 2014 to Allow Schools to Require All Personnel Obtain FCCs Regardless of Position



Fingerprint Clearance Cards

➤ Following Individuals Must Obtain FCCs

- Teacher/Instructional Aides/Substitutes
- Principals/Administrators
- Therapists
- Contractors, Subcontractors and Vendors
- Student Teachers and Contracted Tutors
(Must obtain before they participate in field experience in which services will be provided directly to pupils)

➤ Specific Exceptions in Statute

- Instructional volunteers and guest speakers
(Exception applies only if they are accompanied in classroom by person with a valid FCC)



Fingerprint Clearance Cards

- Who Determines Employability?
 - DPS determines whether individual qualifies
 - FBI and state criminal records reviewed
- How Often Must Process Be Completed?
 - FCCs currently issued for six years
 - Must renew prior to expiration date on FCC



Contractors and Vendors

- **Statute Establishes FCC Requirement**
 - Applies to non-instructional contractors, subcontractors, vendors or their employees that are contracted to provide services on a regular basis at an individual school
- **Governing Board Policy Adoption**
 - Governing board shall adopt policies to exempt persons who, as part of their normal job duties, are not likely to have independent access to or unsupervised contact with pupils
 - Please see A.R.S. §15-512(H) for specifics



Fingerprint Checks

- **Fingerprint Check Applies to:**
 - Individuals not required to obtain FCC
 - Non-instructional volunteers who are required or allowed to provide services directly to pupils without supervision of certificated employees (Exception provided for volunteers who are parents/guardians of school pupils)
 - Governing body members
- A.R.S. §15-512(G) permits, in certain cases, school to fingerprint check or require a FCC for anyone not otherwise required to be fingerprinted



Fingerprint Checks

- Who Determines Employability?
 - School after reviewing results from DPS
 - DPS completes check of FBI and state criminal records
- How Often Must Process Be Completed?
 - Required to be completed once (at time the person is hired), but must retain documentation
 - May run check as often as school wants



Fingerprint Checks – “ORI Number”

- Issued by DPS to School
 - First step for obtaining an ORI number is to complete and submit “Application for Access” available at the website included below
- Unique Identifier Used by DPS to Ensure Individual’s State/FBI Results Sent to Correct Entity
- For More Information or Questions
 - www.azdps.gov/Services/NCJA/Access/
 - NCJA@azdps.gov or (602) 223-2488



School Bus Drivers

- Must Possess Arizona School Bus Driver Certificate (see redacted example)
- DPS Process Includes a Fingerprint Check
- Once Certified, Applicant Issued Card
 - Card valid ONLY if employer information is correct
 - New employer should notify DPS who will reissue card if individual still in compliance
- “School Bus” Defined in A.R.S. §28-101

ISSUE DATE **11/08/04** **ARIZONA SCHOOL BUS DRIVER CERTIFICATE** CERTIF. NO.

THIS CERTIFICATE IS VOID IF YOUR COMMERCIAL DRIVER'S LICENSE IS EXPIRED, REVOKED OR SUSPENDED.

NAME **Liberty Traditional Charter Sc**
EMPLOYER
COUNTY **Maricopa**

I HEREBY CERTIFY THAT THE PERSON DESCRIBED HEREON HAS BEEN GRANTED THE PRIVILEGE OF OPERATING A SCHOOL BUS, IN COMPLIANCE WITH ARIZONA REVISED STATUTE 28-322B.



Wicki Barnett
ADMINISTRATIVE OFFICER



“IVP” Reminder (A.R.S. §15-106)

- Identity Verified Prints (IVP) Required:
 - When applying for fingerprint clearance card
 - When obtaining fingerprint check:
 - Fingerprint roll card submitted to DPS
 - School retains documentation showing fingerprints were identity verified.
- DPS Developed Guidance



Online Submission of FCC Application

- In March 2016, DPS Began Accepting Electronically Submitted FCC Applications
 - Individuals must currently reside in Arizona to submit online
 - Individuals residing outside of Arizona must use paper form
- <http://fieldprintarizona.com/>
 - Initial or renewal applications may be submitted online
 - For both, individual sets up account and completes application
 - For initial, appointment must be scheduled for prints to be scanned
 - “Convenience fee” charged in addition to FCC application fee



“Emergency Hires”

- May Hire Staff Prior to Obtaining FCC, However, School Must Complete All of the Following:
 1. Obtain proof of IVP FCC application’s submission to DPS
 - Must retain copy of person’s application (paper submissions) or email person received from DPS identifying the application number (online submissions)
 - Compare person’s hire date to date entered by fingerprint technician on application (paper submissions) or to date of the DPS email (online submissions)
 2. Document necessity to hire/place person before FCC received
 3. Ensure DPS completes statewide criminal records check
 - School must have an ORI number in order to run this check



“Emergency Hires” (Continued)

- May Hire Staff Prior to Obtaining FCC, However, School Must Complete All of the Following:
 4. Obtain references from current/previous employers
 5. Complete search of criminal records in all local jurisdictions outside of Arizona where person has lived in previous 5 years
 6. Provide general supervision until FCC is obtained
 7. Verify fingerprint status of person with DPS
 - DPS website may be used to determination application/FCC status
 - https://webapps.azdps.gov/public_inq_acct/acct/ShowClearanceCardStatus.action



“Emergency Hires” (Continued)

- Applies to New Hires Only, Not Renewals
- Additional Resources
 - A.R.S. §15-183(C)(5)
 - Board’s website
 - Fingerprinting guidance for emergency hires (updated June 2016)
 - Sample fingerprinting statement of assurance (updated June 2016)



“Emergency Hires” – Common Mistakes

- After Application Submitted, School Fails to Follow-up to Ensure It Was Received and Processed by DPS
- DPS Must Complete Statewide Criminal Records Check
- Documentation Not Retained to Support School’s Completion of Each Step



Use of Expired FCCs

- Law Permits Use of Expired FCC to Satisfy Statutory Fingerprinting Requirements If Affidavit Signed
- Under A.R.S. §41-1758.08, Affidavit Must Indicate:
 - He or she has submitted a completed application to the Fingerprinting Division of DPS for a new FCC within 90 days before the expiration date on his or her FCC; and
 - He or she is not awaiting trial on and has not been convicted of a criminal offense that would make him or her ineligible for a FCC.



Use of Expired FCCs

- Excludes Persons with FCCs that Have Been Denied, Suspended or Revoked by DPS
 - Use DPS website to determine FCC status (see slide 14)
- Excludes Persons Who Have Requested a Good Cause Exception Hearing
 - Board of Fingerprinting (<https://fingerprint.az.gov/>)
- Guidance and Sample Affidavit on Board's Website



Rejected Fingerprints (FCC Process)

- If the Individual's Fingerprints Are Rejected, DPS Will Send a Letter to the Individual
 - "Pending State or FBI Reprint" status on DPS website
- Reprints Must Be Rolled on a Paper Card and Cannot Be Submitted through Online Process
 - The DPS letter includes section that must be completed by fingerprint technician and submitted with paper roll card



Fingerprinting Reminders

- No Substitutes for FCCs
 - Not even other states' teacher fingerprint cards
- Substitutes for 15-512 Fingerprint Check
 - None, except for school bus drivers who have a valid Arizona School Bus Driver Certificate issued by DPS
- No Fingerprinting Exception Based Upon Time of Day Employee Works



Fingerprinting Reminders

- FCCs Expire and Must Be Renewed
 - Cards currently issued for six years
 - Application may be submitted up to 6 months before expiration
 - Schools urged to establish mechanism to track FCC expiration dates for their staff and to consider a back-up plan
- Employees Must Let Charter School Know If Their FCCs May Be In Jeopardy
 - For additional information, see A.R.S. §15-183(C)(8)-(9)



FCC Application: IVP & Regular/Non-IVP

IVP APPLICATION

ARIZONA DEPARTMENT OF PUBLIC SAFETY
APPLICATION FOR A FINGERPRINT CLEARANCE CARD
REQUIRING IDENTIFY VERIFIED PRINTS (IVP)
 Applicant Clearance Card Team ☎ (602) 223-2279
 Mailing address: P.O. Box 18390, Phoenix, AZ, 85005-8390
 Physical address: 2320 N. 20th Ave, Phoenix, AZ 85009
 Visit www.azdps.gov/ivp for FAQs or to check the status of your application.

APPLICATION NUMBER
 L V P 0 7 3 5 6 7 2 *

Your Full Legal Name (Last, First, Middle) Print clearly _____
Social Security Number _____
Phone Number w/Area Code _____

Date of Birth M / D / Y Y Y Y Y Y **Race** _____ **Sex** Female Male **Height** _____ **Weight** _____ **Eye Color** _____ **Hair Color** _____ **Place of Birth** _____

Applicant's Complete Mailing Address (Applicant's address only) Print clearly _____

City _____ **State** _____ **Zip Code** _____

Name of Employer, Agency or School Print clearly (if unknown or student leave blank) _____
Employer's Phone Number w/Area Code _____

Employer, Agency or School's Mailing Address Print clearly _____

City _____ **State** _____ **Zip Code** _____

Applicant's e-mail address Print clearly _____ **Applicant's Signature *** _____ **Date** _____

I authorize custodians of records to release information to the Arizona Department of Public Safety for the purpose of processing my application for a Fingerprint Clearance Card.

Check the box to indicate why you are applying. Application can not be processed without this information.

AZ Board of Education (Teacher or Other Certification) ARS §15-534 (Fee is \$67.00)
 Tutor or Teacher Preparation Programs ARS §15-534 (Fee is \$67.00)
 Charter School Instructor, Subcontractor or Vendor and their Employees ARS §15-512
 Public and/or Charter School Non-certificated personnel ARS §15-512
 Public and/or Charter School Non-certificated personnel ARS §15-512

Check here if paid employee. Fee is \$67.00
 Check here if volunteer. Fee is \$65.00
 Fee must be in the form of a money order, cashier's check, check drawn on a business account made payable to "DPS", or a State of Arizona Comparison Transaction Entry Transfer. DPS does NOT accept cash, personal checks, debit or credit cards. If you are over the enclosed payment exceeds the amount due, and the overpayment is less than \$35.00, signing this application indicates your agreement to have the excess funds donated to the State General Fund. (ARS §15-512)

Is this an IVP Fingerprint Clearance Card renewal application? If yes, see two boxes below.

Check this box if you were previously issued a Fingerprint Clearance Card with an IVP # on the front. This indicates DPS has your Identify Verified Prints on file and you are not required to submit prints with this application. You will need to provide the IVP # noted on the front of your previously issued Fingerprint Clearance Card in the space below for identification purposes. Complete the top portion of the application and return it to DPS with the appropriate fee in the envelope provided.
 IVP Number on Previous Card: _____

Check this box if you were previously issued a Fingerprint Clearance Card with the notation "IVP". See back of card. DPS does not have your prints on file from your previous application. DPS determined at that time the fingerprints were not of sufficient quality to store electronically. You will need to submit a new set of prints with this renewal application. See instructions below.

Date on payment when fingerprints are submitted with application _____
 *The date on the form of payment submitted with your fingerprints must be the same date as the "Date printed" noted on this form or a date prior to the "Date Printed" noted on this form.

IVP Fingerprinting Instructions for Applicant
 When you go to get fingerprinted pursuant to ARS §15-106 you are to provide the following items to the law enforcement agency, school district, charter school or other entity that will be taking your fingerprints:
 This application with the top portion completed. The included blank fingerprint card.
 Driver's License / Government issued ID Passport Other: _____
 The appropriate fee** made payable to DPS. Government issued photo ID.
 The included blue postage paid return envelope.

IVP Fingerprinting Instructions for Fingerprint Technician
 The applicant should provide the items noted above.

Pursuant to ARS §15-106 as the fingerprint technician taking Identify Verified Prints you are required to:

Verify the identity of the applicant through recognized means of photographic identification and a comparison of the demographic information on the photographic identification against the demographic information on the application form and the fingerprint card.
 Indicate Type of Photo Identification Provided: Other "how checked, please specify what type"
 Driver's License / Government issued ID Passport Other: _____
 NOTE: The demographic information can be printed on the fingerprint card if using a live scan with the ability to print the information or it can be filled out by the applicant.
 After the fingerprints are taken you are to place the completed fingerprint card, completed application form (and/or any other form required by the DPS) and the fee** provided by the applicant in the postage paid blue envelope and mail to DPS.
DO NOT RETURN ANY ITEMS TO THE APPLICANT AFTER FINGERPRINTING
THE CHAIN OF CUSTODY OF THE FINGERPRINT CARD MUST BE MAINTAINED

*Tech's Agency, School or Company Name (print clearly) _____
 *Name of Technician taking fingerprints (print clearly) _____
 *Date printed _____
**Date printed on fingerprint card must be the same date

DPS 802-47363 Revised 04/2015



REGULAR/NON-IVP APPLICATION

ARIZONA DEPARTMENT OF PUBLIC SAFETY
APPLICATION FOR A FINGERPRINT CLEARANCE CARD
 Applicant Clearance Card Team ☎ (602) 223-2279
 Mailing address: P.O. Box 18390, Phoenix, AZ, 85005-8390
 Physical address: 2320 N. 20th Ave, Phoenix, AZ 85009
 Visit www.azdps.gov/ivp for FAQs or to check the status of your application.

APPLICATION NUMBER
 0002978575

Your Full Legal Name (Last, First, Middle) Print clearly _____
Social Security Number _____
Phone Number w/Area Code _____

Date of Birth M / D / Y Y Y Y Y Y **Race** _____ **Sex** Female Male **Height** _____ **Weight** _____ **Eye Color** _____ **Hair Color** _____ **Place of Birth** _____

Applicant's Complete Mailing Address (Applicant's address only) Print clearly _____

City _____ **State** _____ **Zip Code** _____

Name of Employer and/or Agency Print clearly (if unknown or student leave blank) _____
Employer's Phone Number w/Area Code _____

Employer and/or Agency Mailing Address Print clearly _____

City _____ **State** _____ **Zip Code** _____

Applicant's e-mail address Print clearly _____ **Applicant's Signature *** _____ **Date** _____

I authorize custodians of records to release information to the Arizona Department of Public Safety for the purpose of processing my application for a Fingerprint Clearance Card.

Check here if paid employee. Fee is \$67.00
 Check here if volunteer or student where noted**. Fee is \$65.00
 Fee must be in the form of a money order, cashier's check, check drawn on a business account made payable to "DPS", or a State of Arizona Comparison Transaction Entry Transfer. DPS does NOT accept cash, personal checks, debit or credit cards. If you are over the enclosed payment exceeds the amount due, and the overpayment is less than \$35.00, signing this application indicates your agreement to have the excess funds donated to the State General Fund. (ARS §15-512)

Check the box(es) (maximum of 4) indicating why you are applying. Application can not be processed without this information.

Department of Child Safety (DCS):
 DCS-Adoption - ARS §8-105***
 DCS-Foster Home Licensure - ARS §8-509***
 DCS-Employee - ARS §8-802***
 DCS-IT Employee - ARS §8-463***
 DCS-Child Welfare/Adoption Agency Employee-ARS §46-141***

Department of Economic Security (DES):
 DES-Certified Child Care Provider & NCRP - ARS §41-1964*** & ARS §46-141***
 DES-CCR&R Employee - ARS §41-1967.01***
 DES-DAAS - ARS §46-141***
 DES-DDD/HCS - ARS §36-594.01***
 DES-DDD/Developmental Home Licensure - ARS §36-594.02***
 DES-Employee - ARS §41-1968***
 DES-IT Position - ARS §41-1969***
 DES-JOBS - ARS §46-141***
 DES-WIA-Work Investment Act - ARS §46-141***
 DES-Domestic Violence/Homeless Shelter - ARS §36-3008 & ARS §46-141***

Department of Health Services (DHS):
 DHS-Child Care Group Home, Certification, Employees or Volunteers - ARS §36-897.01*** & ARS §36-897.03***
 DHS-Child Care Employees and Volunteers - ARS §36-883.02***
 DHS-Child Care Facility Licensure - ARS §36-882***
 DHS-Children's Behavioral Health Programs Employees and Volunteers - ARS §36-425.03
 DHS-Residential or Nursing Care Institutions; Home Health Agencies - ARS §36-411
 DHS-Nursing Care Administrators & Assisted Living Facility Managers - ARS §36-446.04
 Arizona State Hospital - ARS §36-207***

Arizona Department of Education (ADE):
 ADE-Surrogate Parents - ARS §15-763.01
 ADE-Child Nutrition Programs - ARS §46-321
 ADE-Attend Vocational Program; Age 22 or older - ARS §15-782.02 (Fee is \$65)**

Arizona Department of Transportation (ADOT):
 Driver Training School - ARS §32-2371
 Driver School Instructor Licensure - ARS §32-2372
 Traffic School Licensure - ARS §28-3413

Arizona Board of Appraisal (ABA):
 License or Certificate - ARS §32-3620
 Appraisal Management/Registration - ARS §32-3668
 Appraisal Management/Controlling person - ARS §32-3669

AZ Board of Dental Examiners (ABDE):
 Dentist Licensure - ARS §32-1232
 Dental Hygienist Licensure - ARS §32-1284
 Denturist Certification - ARS §32-1297.01

Arizona Board of Fingerprinting - Members & Staff
 ARS §41-619.52*** & ARS §41.619.53***

Arizona Charter School Board Member/Applicant
 ARS §15-183(C)(4)

Arizona Department of Real Estate Licensure
 ARS §32-2108.01 (Fee is \$67)

Arizona Game and Fish - ARS §17-215***

Department of Juvenile Corrections; Licensee or Contract Provider - ARS §41-2814(B)

Health Science Student & Clinical Assistant
 ARS §15-1881 (Fee is \$65)**

Supreme Court, Administrative Office of the Court-Juvenile Probation - ARS §8-322

***These statutes require a Level One card. However, if you qualify, a Level One card will be issued for any box marked on the application. DPS 802-0687 Revised 08/2013



Fingerprinting Compliance

- **Civil Penalties**
 - A.R.S. §15-185(I)
 - Board policy statement
- **Compliance Monitored Through:**
 - Annual audits
 - Site visits
 - Complaints
- **Operational Dashboard**

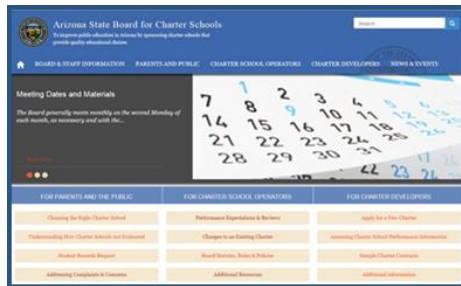


Fingerprinting Compliance Reminders

- Obtain and Maintain Copies of FCCs & Certificates
 - Do not accept copies from employees, substitute teachers, or other individuals required to have a valid FCC
 - Do not accept copies of Arizona School Bus Driver Certificates
 - Make your own copies from the laminated cards
- Fingerprint Check Documentation
 - Must adhere to strict privacy and security requirements
 - Modify “DPS Results” sheet before you share with audit firm or ASBCS staff



Fingerprinting Resources and Links



Arizona State Board for Charter Schools

<https://asbcs.az.gov/school-resources/additional-resources>

<https://asbcs.az.gov/school-resources/additional-resources/fingerprinting-faq>



Arizona Department of Public Safety

<http://www.azdps.gov/Services/Fingerprint/>

<http://www.azdps.gov/Services/NCJA>

<http://studenttransportation.azdps.gov/>

https://webapps.azdps.gov/public_inq_acct/acct/ShowClearanceCardStatus.action



Arizona Revised Statutes and Arizona Legislature

<http://www.azleg.gov/ArizonaRevisedStatutes.asp>

<http://www.azleg.gov/>

