



# Arizona State Board for Charter Schools

## Frequently Asked Questions: Fingerprinting in Charter Schools

Links throughout the answers will guide you to further information on our website or from other sources. Additionally, the Arizona Department of Public Safety's website includes [frequently asked questions](#) related to fingerprint clearance cards. Further, our website includes [fingerprinting lessons learned](#) by other charter schools. The material contained in this document 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.

### Fingerprinting in General

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#### **Which fingerprint process needs to be completed for my charter school employees?**

[A.R.S. §15-183\(C\)\(5\)](#) establishes two distinct fingerprinting processes for charter school personnel – the fingerprint clearance card and the fingerprint check. A.R.S. §15-183(C)(5) requires all persons engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal to have a valid fingerprint clearance card. A.R.S. §15-183(C)(5) also requires all other personnel to be fingerprint checked pursuant to [A.R.S. §15-512](#) or the charter school may require those personnel to obtain a fingerprint clearance card. For more information, please see the referenced sections of law and [guidance](#) issued by the Department of Public Safety. Fingerprinting requirements for school bus drivers and volunteers and guest speakers are addressed in the "School Bus Drivers" section and "Volunteers & Guest Speakers" section, respectively.

#### **Does the law permit a charter school to require all employees to obtain a fingerprint clearance card regardless of job duties/responsibilities?**

Yes. During the 2014 legislative session, [A.R.S. §15-183\(C\)\(5\)](#) was amended to allow a charter school to require all personnel to obtain fingerprint clearance cards regardless of their position with the school.

#### **Which charter school employees are required to submit identity verified fingerprints?**

Under [A.R.S. §15-106](#), all individuals required to obtain a fingerprint clearance card pursuant to A.R.S. §15-183(C)(5), all individuals required to be fingerprinted pursuant to A.R.S. §15-512, a participant in field experience or student teaching in Arizona, and any person who is contracted by this state, by a school district or by a charter school to provide tutoring services must obtain identity verified fingerprints, which are submitted to the Department of Public Safety for processing. Based on changes made during the 2017 legislative session (Laws 2017, Ch. 196), all individuals who apply for a school bus driver certificate must now also obtain identity verified fingerprints. For more information on identity verified fingerprints and the process for submitting them, please see the [procedures](#) developed by the Department of Public Safety.

#### **Our school contracts with outside vendors to provide certain non-instructional services. Which fingerprinting process needs to be completed for these individuals?**

[A.R.S. §15-512\(H\)](#) requires contractors, subcontractors, vendors or any of their employees who are contracted to provide services on a regular basis at an individual school to obtain a valid fingerprint clearance card.

## Fingerprint Clearance Card

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### **As a charter school administrator, how do I confirm that an individual's fingerprint clearance card is valid?**

The Department of Public Safety has developed an [online resource](#) where a person may determine the status of an individual's fingerprint clearance card or fingerprint clearance card application. The website includes fingerprint clearance cards issued through the identity verified and non-identity verified processes. You will need the person's fingerprint clearance card number or application number.

### **If the fingerprint clearance card expires, may employees continue performing their job duties while they complete the renewal process?**

A.R.S. §41-1758.08 authorizes the use of an expired fingerprint clearance card to satisfy the fingerprint requirements of A.R.S. §§15-183 and 15-512 with the appropriate affidavit signed by the holder of the expired fingerprint clearance card. Under [A.R.S. §41-1758.08](#) in order to use the expired fingerprint clearance card to satisfy statutory fingerprinting requirements, the person must sign an affidavit stating:

1. He or she submitted a completed application to the Fingerprinting Division of the Department of Public Safety for a new fingerprint clearance card within 90 days before the expiration date on his or her fingerprint clearance card; and
2. 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 fingerprint clearance card.

A.R.S. §41-1758.08 excludes from this process persons with fingerprint clearance cards that have been denied, suspended or revoked by the Department of Public Safety or persons who have requested a good cause exception hearing. For more information, please see the [guidance](#) issued by the Board.

If the individual does not meet the affidavit requirements, then he or she is not authorized to use an expired fingerprint clearance card to satisfy the fingerprinting requirements.

### **When may individuals begin the process to renew their fingerprint clearance cards?**

The application to renew a fingerprint clearance card may be submitted at any time up to six months before the card expires.

### **May teachers or instructional aides continue with their instructional duties in the classroom while appealing the denial or suspension of a fingerprint clearance card?**

No. [A.R.S. §15-183\(C\)\(5\)](#) requires all persons engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal to have a valid fingerprint clearance card. The law does not provide an exception during an appeal.

### **Is there a place online where I can check the current status of an appeal?**

Yes. Through its website, the Arizona Board of Fingerprinting maintains the most recent case status for appeals. It does not provide case histories. To access the case status feature, select "Find Out Your Case Status" on the Fingerprinting Board's [website](#). You will need the person's application number to conduct the status check. Please remember that case-status information pertains to a particular case and may not indicate whether the person holds a valid fingerprint clearance card.

### **Where can I find more information about the appeal process?**

The Arizona Board of Fingerprinting maintains a list of [frequently asked questions](#) on its website.

**In an emergency, may I hire a teacher who does not yet have a fingerprint clearance card?**

[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 does all of the following:

1. Obtain proof of the submission of a fingerprint clearance card application to the Department of Public Safety.
2. Document the necessity for hiring and placement of the applicant before receiving a fingerprint clearance card.
3. Ensure that the Department of Public Safety completes a statewide criminal records check on the applicant. The school must also ensure that a statewide criminal records check is completed by the Department of Public Safety every 120 days until the date the fingerprint check is completed or the fingerprint clearance card is issued or denied.
4. Obtain references from the applicant's current employer and two most recent previous employers except for applicants who have been employed for at least 5 years by their most recent employer.
5. Complete a search of criminal records in all local jurisdictions outside of Arizona in which the applicant has lived in the previous five years.
6. Provide general supervision of the applicant until the date that the fingerprint clearance card is obtained.
7. Verify the fingerprint status of the applicant with the Department of Public Safety.

For more information, please see [Fingerprinting Guidance for Schools – Emergency Hires](#). Please note that this provision does not apply to existing employees who have an expired fingerprint clearance card.

In completing the seventh step, the school may be able to use the Department of Public Safety's [online resource](#) to determine whether the Department of Public Safety has received an application that is complete. The website includes identity verified and regular (or non-identity verified prints) fingerprint clearance card applications.

**Our school hired a teacher from Wyoming, who has a Wyoming fingerprint clearance card. Does this teacher need to apply for an Arizona fingerprint clearance card, or is the Wyoming card sufficient?**

[A.R.S. §15-183\(C\)\(5\)](#) requires teachers to have a valid Arizona fingerprint clearance card. Therefore, any teacher hired from out-of-state needs to apply for and obtain an Arizona card.

**Are student teachers at my charter school required to have a valid fingerprint clearance card?**

Yes. [A.R.S. §15-534\(G\)](#) requires student teachers to obtain a fingerprint clearance card before they participate in field experience in which services will be provided directly to pupils.

**Are contracted tutors required to have a valid fingerprint clearance card?**

Yes. [A.R.S. §15-534\(G\)](#) requires any person contracted to provide tutoring services by the State or by a charter school to obtain a fingerprint clearance card before they participate in field experience in which services will be provided directly to pupils.

**As an employee at a charter school, what responsibility do I have to report to my employer that my valid fingerprint clearance card may be in jeopardy?**

[A.R.S. §15-183\(C\)\(8\)](#) states that a person who is employed by a charter school or who is an applicant for employment with a charter school, who is arrested for or charged with a nonappealable offense listed in [A.R.S. §41-1758.03\(B\)](#), and who does not immediately report the arrest or charge to the person's supervisor or potential employer is guilty of unprofessional conduct and the person shall be immediately dismissed from employment with the charter school or immediately excluded from potential employment with the charter school.

Additionally, [A.R.S. §15-183\(C\)\(9\)](#) states that a person who is employed by a charter school and who is convicted of any nonappealable offense in [A.R.S. §41-1758.03\(B\)](#) or is convicted of any nonappealable offense that amounts to unprofessional conduct under [A.R.S. §15-550](#) shall immediately do all of the following: 1) surrender any certificates issued by the Arizona Department of Education; 2) notify the person's

employer or potential employer of the conviction; 3) notify the Department of Public Safety of the conviction; and 4) surrender the person's fingerprint clearance card.

Further, [A.R.S. §15-203\(A\)\(36\)](#) requires the State Board of Education to adopt rules to prohibit a person from certification who violates the notification requirements, certification surrender requirements or fingerprint clearance card surrender requirements for at least 10 years after the date of the violation.

**Which fingerprint clearance card process applies to officers, directors, members or partners of a charter holder?**

These individuals complete and submit a non-identity verified fingerprint clearance card application unless their duties also involve responsibilities that would require them to obtain an identity verified fingerprint clearance card pursuant to A.R.S. §15-183(C)(5). On the regular (or non-identity verified prints) fingerprint clearance card application, select the box for "Arizona Charter School Board Member/Applicant".

**Which fingerprint clearance card process applies to officers, directors, members or partners of an entity applying for a charter?**

These individuals complete and submit a non-identity verified fingerprint clearance card application unless their duties also involve responsibilities that would require them to obtain an identity verified fingerprint clearance card pursuant to A.R.S. §15-183(C)(5). On the regular (or non-identity verified prints) fingerprint clearance card application, select the box for "Arizona Charter School Board Member/Applicant".

**Is it possible to submit an initial or renewal fingerprint clearance card application to the Department of Public Safety electronically?**

Yes, for individuals currently residing in Arizona. In March 2016, the Department of Public Safety began accepting electronic submissions of identity verified prints (IVP) and regular (or non-IVP) fingerprint clearance card applications through its Electronic Fingerprint Application System. To apply for or renew a fingerprint clearance card online, visit the Fieldprint [website](#). For initial and renewal applications, you will need to open an account and complete the applicable online application. For an initial application, you will also be required to schedule an appointment to have your fingerprints electronically "live scanned" at one of the participating vendors located in Arizona. A "convenience fee" will be charged in addition to the fingerprint clearance card application fee. Individuals who reside outside of Arizona are not eligible to submit their applications online and must [request](#) the applicable paper application from the Department of Public Safety.

## Fingerprint Check

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**What must a charter school do before it can request fingerprint checks be conducted by the Department of Public Safety?**

A school must have an ORI number issued by DPS in order to conduct fingerprint checks. The ORI number is a unique identifier that DPS uses to ensure the individual's state and FBI results are provided to the correct entity. If your school does not already have an ORI number, the first step is to complete and submit an Application for Access. The application is available through the DPS [website](#).

**Once the fingerprint check has been completed, who determines the individual's suitability for employment?**

The charter school determines the individual's suitability for employment after reviewing the results of the state and federal criminal records check received from the Department of Public Safety.

**How often may I run a fingerprint check on my employees?**

[A.R.S. §15-512](#) does not limit the number of times a school may run a fingerprint check. The fingerprint check is a point-in-time check on a person's criminal background. The fingerprint check documentation must

be retained by the charter school. The roll cards submitted to the Department of Public Safety may be submitted up to two times before a new roll card is required.

**Our school has certain employees on staff, such as janitors, who work outside of the regular school day. Do these individuals need to be fingerprinted?**

Yes. Neither A.R.S. §15-183(C)(5) nor A.R.S. §15-512 provide for an exception for employees based upon which hours during the day the employee works. These individuals must be fingerprint checked pursuant to A.R.S. §15-512 or, based on changes made during the 2014 legislative session, the charter school may require these individuals to obtain a fingerprint clearance card.

## School Bus Drivers

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**How is “school bus” defined under Arizona law?**

[A.R.S. §28-101](#) defines a “school bus” as a motor vehicle that is designed for carrying more than ten passengers and that is either:

- Owned by any public or governmental agency or other institution and operated for the transportation of children to or from home or school on a regularly scheduled basis.
- Privately owned and operated for compensation for the transportation of children to or from home or school on a regularly scheduled basis.

**What are the statutory requirements for school bus drivers?**

[A.R.S. §28-3228](#) requires any person that operates a school bus transporting school children to possess: a) the appropriate license class for the size of school bus being operated that is issued by the Department of Transportation; b) a bus endorsement issued by the Department of Transportation; and c) a school bus certificate issued by the Department of Public Safety. For more information on the requirements for school bus drivers, please visit the Department of Public Safety [Student Transportation Unit’s website](#).

**How do I know if a school bus driver’s Arizona School Bus Driver Certificate is still valid?**

The Department of Public Safety has developed an [online resource](#) where a person may determine the status of an individual’s school bus driver certificate. You will need the person’s MVD license number and date of birth. In addition, the current employer must be identified on the Arizona School Bus Driver Certificate card for the card to be valid. If the person changes employers, the new employer should notify the Department of Public Safety, Student Transportation Unit at (602) 223-2646. The unit will reissue a new card if the person is still in compliance with requirements. If your school contracts for transportation services, the contracted entity will be the employer identified on the card and not your school.

**What are the fingerprinting requirements for school bus drivers?**

During the 2017 legislative session, the fingerprinting requirements for school bus driver certification were changed to require applicants to obtain an identity verified fingerprint clearance card and maintain a valid identity verified fingerprint clearance card for the duration of any school bus driver certification period. This statutory change took effect on August 9, 2017. For persons certified as a school bus driver prior to the effective date of the statutory change, Laws 2017, Ch. 196 requires them to obtain an identity verified fingerprint clearance card on or before December 31, 2018. Pursuant to Laws 2017, Ch. 196, a person certified as a school bus driver who holds a valid fingerprint clearance card prior to the effective date of the statutory change may use their current valid fingerprint clearance card to satisfy the new requirements until such fingerprint clearance card expires. For questions, please contact the Department of Public Safety, Student Transportation Unit at [schoolbus@azdps.gov](mailto:schoolbus@azdps.gov) or (602) 223-2646.

## Volunteers & Guest Speakers

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### **Are instructional volunteers in the classroom required to have a valid fingerprint clearance card?**

No. Under [A.R.S. §15-183\(C\)\(5\)](#), instructional volunteers are not required to have a valid fingerprint clearance card as long as they are accompanied in the classroom by a person with a valid fingerprint clearance card.

### **Are non-instructional volunteers required to be fingerprinted?**

Under [A.R.S. §15-512\(A\)](#), volunteers who are required or allowed to provide services directly to pupils without the supervision of a certificated employee are required to be fingerprint checked unless they are parents or guardians of a pupil who attends the school. The charter school may fingerprint check volunteers not otherwise required under A.R.S. §15-512 to be fingerprinted [[A.R.S. §15-512\(G\)](#)]. During the 2014 legislative session, A.R.S. §15-183(C)(5) was amended to allow a charter school to require these individuals to obtain fingerprint clearance cards.

### **Are guest speakers in the classroom required to have a valid fingerprint clearance card?**

No. Under [A.R.S. §15-183\(C\)\(5\)](#), guest speakers are not required to have a valid fingerprint clearance card as long as they are accompanied in the classroom by a person with a valid fingerprint clearance card.

## Completing the Compliance Questionnaire

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### **We're currently undergoing our audit. The audit firm states that all charter school personnel, regardless of position, must have a valid fingerprint clearance card. Is that correct?**

No. A.R.S. §15-183(C)(5) establishes two distinct fingerprinting processes for charter school personnel – the fingerprint clearance card and the fingerprint check. A.R.S. §15-183(C)(5) requires all persons engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal to have a valid fingerprint clearance card. All other personnel must be fingerprint checked pursuant to [A.R.S. §15-512](#). During the 2014 legislative session, A.R.S. §15-183(C)(5) was amended to allow a charter school to require its “other personnel” to obtain a fingerprint clearance card. The statutory change does not require a charter school to obtain fingerprint clearance cards for its “other personnel”. Therefore, the charter school decides whether to fingerprint check its “other personnel” or to require fingerprint clearance cards.

### **For my employees that are required to obtain a fingerprint clearance card, I am able to show the audit firm a copy of the card. For my employees that are fingerprint checked, what information may I share with the audit firm without disclosing protected information and, in turn, violating privacy and security requirements?**

In its training classes, the Department of Public Safety's Access Integrity Unit has told schools that they can cover the right column and photocopy the “DPS Results” sheet with the right column blotted out to conceal the protected information. The schools may then provide the photocopy to the audit firm. According to the Access Integrity Unit, the protected information would be either the “\*” or alphanumeric characters included in the right column of the “DPS Results” sheet. The Board believes in using the option presented by the Access Integrity Unit, the audit firm would receive the information it needs to determine that the fingerprint check had been done and when and would be able to answer the applicable question in the compliance questionnaire.