



Arizona State Board for Charter Schools Hiring Personnel Using Statute's "Emergency Hire" Provision

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.

Background

During the 2005 legislative session, the Arizona State Board for Charter Schools and the Arizona Charter Schools Association worked together to amend the charter law to allow charter schools to hire personnel that have not yet received a fingerprint clearance card (FCC) as long as the conditions identified in A.R.S. §15-183(C)(5) and contained below are met.¹ The intent of this effort was to provide charter schools with the same options available to district schools to hire teachers in emergency situations without compromising the wellbeing and safety of students. Since the 2005 legislative session, the categories of personnel required or allowed to obtain an FCC have expanded. Schools should review A.R.S. §15-183(C)(5) to ensure their compliance with its provisions. Please note that failure to comply with fingerprinting requirements will be noted in the charter holder's operational performance dashboard and may result in Board disciplinary action.

Statutory Requirements

Pursuant to A.R.S. §15-183(C)(5), in order for a charter school to hire personnel that have not yet received an FCC, the school must do all of the following:

1. Obtain proof of the submission of an identity verified prints (IVP) FCC application to the Department of Public Safety (DPS).

Paper Application Submissions

At the time the charter school hires the individual, the school must obtain a copy of the individual's IVP FCC application. Under the IVP process, the fingerprint technician who rolls the individual's prints must retain the fingerprint roll card and original IVP FCC application and mail the entire package to DPS. To initially prove that the paper IVP FCC application has been submitted to DPS, the date entered on the IVP FCC application by the fingerprint technician must be the same as the hire date or be a date prior to the hire date. If the date entered by the fingerprint technician on the IVP FCC application occurs after the individual's hire date, then the charter school has not complied with the law's requirement.

Online Application Submissions

(NOTE: Individuals currently residing in Arizona may submit their IVP FCC applications electronically to DPS.² Individuals who reside outside of Arizona are not eligible to submit their IVP FCC applications electronically and must request the paper application from DPS.)

At the time the charter school hires the individual, the school must obtain a copy of the email the individual received from DPS indicating the online submission of an application to DPS and identifying the IVP FCC application number. To initially prove that the online IVP FCC application has been submitted to DPS, the date of the email must be the same as the hire date or be a date

¹ These provisions do not apply to existing employees who have an expired FCC.

² For more information on the online submission process, please visit the Fieldprint website at <http://fieldprintarizona.com>.

prior to the hire date. If the date of the email occurs after the individual's hire date, then the charter school has not complied with the law's requirement.

2. Document in the applicant's file the necessity for hiring and placement of the applicant before receiving an FCC.
3. Ensure that DPS completes a statewide criminal records check on the applicant. A statewide criminal records check must be completed by DPS every 120 days until the date that the FCC is issued or denied.

This criminal records check is different from the fingerprint check referenced under A.R.S. §15-512 in that it is a state level check only. This check takes approximately three to five days to complete. The school must have an ORI number to run this check. If your school does not have an ORI number, contact DPS at (602) 223-2223. In order for the state level check to be completed every 120 days, the school must timely submit the appropriate documentation to DPS and request that DPS complete the check.

4. Obtain references from the applicant's current employer and the two most recent previous employers except for applicants who have been employed for at least five years by the most recent employer.

The school should maintain documentation of the specific employer name(s), contact information and date the employers were contacted and any other relevant information.


5. Complete a search of criminal records in all local jurisdictions outside of this state in which the applicant has lived in the previous five years.

The school may choose to contact the applicable local jurisdiction(s) itself or use a qualified vendor or online resource to obtain this criminal history information.

6. Provide general supervision of the applicant until the date that the FCC is obtained.
7. Verify the fingerprint status of the applicant with DPS.


Through https://webapps.azdps.gov/public_inq_acct/acct/ShowClearanceCardStatus.action, schools may determine if an application for an FCC (paper or electronic submission) has been received by DPS. You will need the application number. A status of "in process" indicates DPS has received the application and is processing it (see next page). If the results of your search indicate no application is found or if you have questions, contact DPS at (602) 223-2279.³ For audit purposes, until the FCC is issued or denied, the school must maintain documentation, such as screenshots or communication logs, to demonstrate its efforts to ensure DPS received a complete application and that the application is being processed.

³ According to DPS, it typically may take up to 48 hours for an IVP FCC application submitted online to be reflected on the DPS website.



Arizona Department of Public Safety

FINGERPRINT CLEARANCE CARD UNIT



Arizona's Official Web Site

Fingerprint Clearance Card / Application Status

All information provided by the Department of Public Safety on this webpage and its other web pages and internet sites, is made available to provide immediate access for the convenience of interested persons. While the Department believes the information to be reliable, human or mechanical error remains a possibility, as does delay in posting or updating of information. Therefore, the Department makes no guarantee as to the accuracy, completeness, timelines or correct sequencing of the information. Neither the Department, nor any of the sources of information, shall be responsible for any errors or omissions, or for the use or results obtained from the user of this information.

Explanations of the statuses: (Only Fingerprint Clearance Cards / Applications with the below statuses will be shown)

- **In Process:** Application received and in process.
- **Pending State or FBI Reprint:** Fingerprints rejected due to print quality. Reprint has not been received.
- **In Process - Under Review:** Background results under review.
- **Issued:** Fingerprint Clearance Card has been issued. **Check expiration date.**
- **Suspended:** Fingerprint Clearance Card has been suspended.
- **Revoked:** Fingerprint Clearance Card has been revoked.
- **Not Approved:** Fingerprint Clearance Card was not approved.

The status noted after inquiry is the current status and is subject to change at any time.

Fingerprint Clearance Card Number:

OR

Application Number (Must enter leading zeros):

For auditing purposes, schools may use the Fingerprinting Statement of Assurance found on the next page. This document is also available on the Board's website (<https://asbcs.az.gov/school-resources/additional-resources>) and should be placed in the applicant's file or other secure location, along with any other information or documentation demonstrating the school's compliance with A.R.S. §15-183(C)(5).

Arizona State Board for Charter Schools
Sample Fingerprinting Statement of Assurance

Charter School Name:	
Applicant Name:	Date of Birth:

I have read A.R.S. §15-183(C)(5) and understand its requirements.⁴

I understand that the above-named applicant's fingerprints have not yet been processed by the Arizona Department of Public Safety or the Federal Bureau of Investigation. I verify that the charter school identified above has:

- Verified that as of the hire date the applicant has applied for an identity verified prints (IVP) fingerprint clearance card as demonstrated by the attached documentation.
Date Completed _____
- Documented in the applicant's file the necessity for hiring and placement of the applicant before receiving a fingerprint clearance card.
Date Completed _____
- Ensured that the Arizona Department of Public Safety completes a statewide criminal records check on the applicant. The above-named school will have the Department of Public Safety complete a statewide criminal records check every 120 days until the date that the fingerprint clearance card is issued or denied.
Date(s) Completed _____
- Completed a search of criminal records in all local jurisdictions outside of Arizona where the applicant has resided in the previous five years.
Date(s) Completed _____
- Obtained references from the applicant's current employer and two most recent previous employers except for applicants who have been employed for at least five years by the most recent employer.
Date(s) Completed _____
- Agreed to supervise the applicant until the fingerprint clearance card has been obtained.
Date(s) Completed _____
- Verified the fingerprint status of the applicant with the Department of Public Safety as demonstrated by the attached documentation.
Date(s) Completed _____

Signature of Charter Representative/Designee

Date

⁴ A.R.S. §15-183(C)(5) may be reviewed at <http://www.azleg.gov/ArizonaRevisedStatutes.asp?Title=15>.