



Arizona State Board for Charter Schools Use of Expired Fingerprint Clearance Card

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 2013 legislative session, the Legislature approved and the Governor signed an emergency measure that authorizes the use of an expired fingerprint clearance card (FCC) 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 card. This law took effect on March 21, 2013.

Under [Laws 2013, Ch. 7](#) (A.R.S. §41-1758.08), in order to use the expired FCC 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 Arizona Department of Public Safety (DPS) for a new FCC within 90 days before the expiration date on his or her FCC; 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 FCC.

Laws 2013, Ch.7 excludes persons with FCCs that have been denied, suspended or revoked by the DPS or who have requested a good cause exception hearing.

Sample Expired Fingerprint Clearance Card Affidavit

If a charter school chooses to use the provisions of Laws 2013, Ch. 7 (A.R.S. § 41-1758.08), the Board expects the charter school to obtain and retain a copy of the affidavit and completed application to show compliance in the event of an audit. For auditing purposes, schools may use the Sample Expired Fingerprint Clearance Card Affidavit (see page 5). A Word version of this document is available on the [Board's website](#). Charter schools are not required to use the sample affidavit. Whether the charter school uses the sample affidavit or develops its own method to demonstrate compliance, the signed affidavit or other documentation should be placed in the file of each person who uses an expired FCC pursuant to Laws 2013, Ch. 7 or otherwise retained.

Instructions for Sample Expired Fingerprint Clearance Affidavit

This section includes instructions for completing the applicant and charter representative/designee portions of the sample affidavit.

Applicant Portion

In completing this portion of the affidavit, the applicant (or holder of the expired card) is affirming that all of the statements are true. Related to the fifth bullet, a list of offenses may be found in Appendix A.

Charter Representative/Designee Portion

In completing this portion of the affidavit, the charter representative or designee is verifying that the charter school has completed the following:

1. Obtained a copy of the completed application for a new FCC submitted to the DPS and attached a copy of the application to the affidavit.
2. Verified that the applicant submitted the completed application for a new FCC to the DPS within 90 days before the expiration date on the applicant's current FCC as demonstrated by the attached copy of the application.

The charter representative or designee should review the date included on the copy of the FCC application provided by the applicant and the date on the expired FCC to determine if the application was submitted within 90 days before the expiration date on the FCC. If the application was submitted within 90 days before the expiration date on the FCC, then the provisions of Laws 2013, Ch. 7 are applicable. If the application was not submitted within 90 days before the expiration date, then the provisions of Laws 2013, Ch. 7 are not applicable in this situation and the charter school must take the necessary steps to ensure its compliance with statutory fingerprinting requirements.

3. Confirmed with DPS that DPS has received the application and all of the information necessary from the applicant to process the application.

The charter representative or designee may use the DPS [Fingerprint Clearance Card/Application Status website](#) to confirm that DPS has received the application and has all of the information it needs to process the application or may contact DPS at (602) 223-2279.

If the website results indicate a "Current Status" of "Pending State or FBI Reprint", then DPS does not have all of the information it needs to process the application. The charter representative or designee should speak with the applicant and ensure that the information is submitted to DPS.

4. Confirmed with DPS that the FCC identified above has not been suspended or revoked by DPS.

The charter representative or designee may use the DPS [Fingerprint Clearance Card/Application Status website](#) for this confirmation (see next page) or may contact DPS at (602) 223-2279. If the website is used, the results should either be printed off or otherwise maintained. Any phone conversations with DPS should be documented.

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):

The signed affidavit and supporting documentation should be placed in the employee's file or otherwise retained.

Appendix A

Pursuant to A.R.S. § 41-1758.03, a person who is subject to registration as a sex offender in this state or any other jurisdiction or who is awaiting trial on or who has been convicted of committing or attempting, soliciting, facilitating or conspiring to commit one or more of the following offenses in this state or the same or similar offenses in another state or jurisdiction is precluded from receiving a fingerprint clearance card:¹

- First or second degree murder
- Sexual assault
- Molestation of a child
- Sexual conduct with a minor
- Commercial sexual exploitation of a minor
- Sexual exploitation of a minor
- Child abuse
- Sexual abuse
- Sex trafficking
- Taking a child for the purpose of prostitution as prescribed in section 13-3206
- Child prostitution as prescribed in section 13-3212
- A dangerous crime against children as defined in section 13-705
- Incest
- Exploitation of minors involving drug offenses
- Sexual abuse of a vulnerable adult
- Sexual exploitation of a vulnerable adult
- Commercial sexual exploitation of a vulnerable adult
- Abuse of a vulnerable adult
- Molestation of a vulnerable adult
- Neglect or abuse of a vulnerable adult
- Production, publication, sale, possession and presentation of obscene items as prescribed in section 13-3502
- Furnishing harmful items to minors as prescribed in section 13-3506
- Furnishing harmful items to minors by internet activity as prescribed in section 13-3506.01
- Obscene or indecent telephone communications to minors for commercial purposes as prescribed in section 13-3512.
- Luring a minor for sexual exploitation
- Enticement of persons for purposes of prostitution
- Procurement by false pretenses of person for purposes of prostitution
- Procuring or placing persons in a house of prostitution
- Receiving earnings of a prostitute
- Causing one's spouse to become a prostitute
- Detention of persons in a house of prostitution for debt
- Keeping or residing in a house of prostitution or employment in prostitution
- Pandering
- Transporting persons for the purpose of prostitution, polygamy and concubinage
- Portraying adult as a minor as prescribed in section 13-3555
- Admitting minors to public displays of sexual conduct as prescribed in section 13-3558
- Unlawful sale or purchase of children
- Child bigamy

¹ Please note that the list may be amended or otherwise revised through legislative action at any time. To ensure the accuracy of the list used by the charter school, the charter school should regularly review A.R.S. § 41-1758.03.

Arizona State Board for Charter Schools
Sample Expired Fingerprint Clearance Card Affidavit²

Applicant Name:	
Fingerprint Clearance Card Number:	Fingerprint Clearance Card Expiration Date:

Completed by Applicant

I affirm the following statements are all true:

1. I submitted a completed application for a new fingerprint clearance card (FCC) to the Fingerprinting Division of the Arizona Department of Public Safety (DPS) within 90 days before the expiration date on my current FCC and have provided my employer with a copy of the completed application.
2. The fingerprint clearance card referenced above has not been suspended or revoked by DPS.
3. I have not received information from DPS indicating that my completed application for a FCC has been denied.
4. I have not requested a good cause exception hearing.
5. I am not awaiting trial on and I have not been convicted of a criminal offense that would make me ineligible for a fingerprint clearance card.

Signature of Applicant

Date

Completed by Charter Representative or Designee

I have read [Laws 2013, Ch. 7](#) (A.R.S. § 41-1758.08) and the "Use of Expired Fingerprint Clearance Card" document available on the ASBCS website.

I verify that our charter school has completed the following for the applicant identified above:

1. Obtained a copy of the completed application for a new FCC submitted to the Fingerprinting Division of the DPS and have attached a copy of the application to this affidavit.

Date Completed _____

2. Verified that the applicant submitted the completed application for a new FCC to the Fingerprinting Division of the DPS within 90 days before the expiration date on the applicant's current FCC as demonstrated by the attached documentation.

Date Completed _____

3. Confirmed with the Fingerprinting Division of the DPS that DPS has received the application and all of the information necessary from the applicant to process the application.

Date Completed _____

4. Confirmed with the Fingerprinting Division of the DPS that the FCC identified above has not been suspended or revoked by DPS.

Date Completed _____

Signature of Charter Representative/Designee

Date

² This document should be used only after reviewing the "Use of Expired Fingerprint Clearance Card" document and Laws 2013, Ch. 7 (A.R.S. § 41-1758.08). For a copy of this law, please go to www.azleg.gov/.
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