



## Arizona State Board for Charter Schools

# Lessons Learned: Fingerprinting in Charter Schools

The material contained in this document is for informational purposes only. The intent is to alert charter operators to fingerprinting lessons learned by other charter schools. 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.

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### **No Substitutes for Fingerprint Clearance Card**

[A.R.S. §15-183\(C\)\(5\)](#) does not allow for any substitute or alternative to the Arizona fingerprint clearance card (FCC) issued by the Arizona Department of Public Safety (DPS) for persons engaged in instructional work directly as a classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist or principal. Even though an individual may have a fingerprint card issued from another state or may have submitted fingerprints in order to receive another type of card or clearance, the individual must obtain an Arizona FCC if the individual will be employed in a position that requires an FCC, or if the school requires the individual to obtain an FCC. The Arizona FCC provides a level of assurance regarding the background of the individual issued the FCC and notification to the charter school should the individual be accused of committing certain types of offenses subsequent to the FCC's issuance.

### **Substitutes for A.R.S. §15-512 Fingerprint Check**

With the exception of school bus drivers who have a valid Arizona School Bus Driver Certificate issued by DPS, the law does not allow for any substitute or alternative to the fingerprint check conducted by DPS pursuant to [A.R.S. §15-512](#). Even though an individual may have been fingerprinted for other purposes or the charter school may have run a background check of its own through an outside organization, the individual still must be fingerprint checked by DPS pursuant to A.R.S. §15-512 if the individual is in a position considered as "other personnel" unless the charter school has required an FCC be obtained.

### **Online Submission of FCC Applications**

In March 2016, DPS began accepting electronic submissions of identity verified prints (IVP) and regular (or non-IVP) FCC applications through its Electronic Fingerprint Application System. To apply for or renew an FCC 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 FCC application fee. Please note that individuals who reside outside of Arizona are not eligible to submit their applications online and must [request](#) the applicable paper application from DPS.

### **"Emergency Hire" Reminders**

- [School Must Complete All Seven Steps](#)  
[A.R.S. §15-183\(C\)\(5\)](#) allows a charter school to hire personnel that have not yet received an FCC if the school does all of the following:
  1. Obtain proof of the submission of an IVP FCC application to DPS.
  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 the FCC 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 five years by the most recent employer.
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.
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.

During recent site visits, staff has found that some charter schools have used this provision of statute, but have failed to complete all of the steps required by this law. A charter school that hires someone without a FCC and that does not complete all of the steps listed in A.R.S. §15-183(C)(5) would be considered to be in noncompliance with statutory fingerprinting requirements.

For more information, please see [Fingerprinting Guidance for Schools – Emergency Hires](#) and the bullets below. Please note that the emergency hire provision DOES NOT apply to existing employees who have an expired FCC.

- School Must Obtain and Retain Proof of IVP FCC Application's Submission to DPS  
For **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.

For **online application submissions** (see "Online Submission of FCC Applications" section above), 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 submission of an online 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 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.

- School Must Verify Fingerprint Status with DPS  
Through [https://webapps.azdps.gov/public\\_inq\\_acct/acct/ShowClearanceCardStatus.action](https://webapps.azdps.gov/public_inq_acct/acct/ShowClearanceCardStatus.action), schools may determine if an application for an FCC (paper or online 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. If the results of your search indicate no application is found or if you have questions, contact DPS at (602) 223-2279.<sup>1</sup> 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.
- School Must Have DPS Complete Statewide Criminal Records Check  
This check, which must be completed by DPS, is different from the fingerprint check required under A.R.S. §15-512 since for this check only Arizona records are reviewed. To run this check, the school must have an ORI number.<sup>2</sup> In addition to the initial check, a statewide criminal records check must be completed by DPS every 120 days until the date the FCC is issued or denied. In order for the check to be completed every 120 days, the school must timely submit the appropriate documentation DPS and request that DPS complete the check.

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<sup>1</sup> 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.

<sup>2</sup> For more information, please visit the DPS [website](#) or call (602) 223-2223.