



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.

Fingerprinting Lessons Learned

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 issued by the Arizona Department of Public Safety 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 clearance card issued from another state or submitted fingerprints in order to receive another type of card or clearance, the individual must obtain an Arizona fingerprint clearance card if the individual will be employed in a position that requires a fingerprint clearance card. The Arizona fingerprint clearance card provides a level of assurance regarding the background of the individual issued the card and notification to the charter school should the individual be accused of committing certain types of offenses subsequent to the card'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 the Arizona Department of Public Safety, the law does not allow for any substitute or alternative to the fingerprint check conducted pursuant to [A.R.S. §15-512](#) and by the Department. 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 pursuant to A.R.S. §15-512 by the Department if the individual is in a position considered as "other personnel".

Emergency Hires

[A.R.S. §15-183.C.5](#) allows a charter school to hire personnel that have not yet received a fingerprint clearance card (FCC) if the school does all of the following:

1. Obtain proof of the submission of a FCC application to the Arizona Department of Public Safety.
2. Document the necessity for hiring and placement of the applicant before receiving a FCC.
3. Ensure that the Arizona Department of Public Safety completes a statewide criminal history records check on the applicant every 120 days until the fingerprint clearance card is issued.
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 FCC is obtained.
7. Verify the fingerprint status of the applicant with the Arizona Department of Public Safety.

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 fingerprint clearance card and does not complete all of the steps listed above would be considered to be in noncompliance with statutory fingerprinting requirements.

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

Verifying DPS Receipt of FCC Application

During recent site visits, staff has found that some charter schools have failed to follow-up to ensure that the fingerprint clearance card application had been received by the Arizona Department of Public Safety, only to find weeks later and during staff's visit, that the Department had not received the application or that there were issues with the application (e.g., application submitted was missing information or fingerprints submitted were unreadable).

Charter school officials may access the Teacher Certification database through the Arizona Department of Education's [Common Logon](#) or call the Arizona Department of Public Safety Applicant Clearance Card Team at (602) 223-2279 to determine the status of a fingerprint clearance card application. Please note that application status information becomes available both online and by phone call only after the application information has been entered into the Arizona Department of Public Safety's system and not necessarily on the same day the application is received. Due to the possibility of delays in application processing, some charter schools, under certain circumstances, have scheduled overnight delivery of their applications to the Department so they can document that the application has been received. In these cases, the application packet has been sent to the Department's physical address of 2010 W. Encanto Blvd, Phoenix, AZ 85009 instead of the post office box address. However, even with information showing that the application has been received, it is still necessary for the school to follow-up and to ensure that the Department has received the information needed to complete the application processing.

Wrong Application Submitted

Some charter schools are providing employees with outdated fingerprint clearance card application forms. This results in the completed applications being returned by the Arizona Department of Public Safety, which in turn delays the issuance of the fingerprint clearance card and results in unnecessary time and resources being spent to ensure the correct application is completed and submitted. Schools should only be using the most current application form, which references and requires identify verified fingerprints.

As of March 2009, the current identity verified print fingerprint clearance card application form shows a revised date of January 2009 in the lower right corner. The fingerprint clearance card application form is, however, subject to change at any time. Please note that changes to the application form are possible later in 2009 to address any legislative changes made to the fingerprinting statutes. To request identity verified print fingerprint clearance card application packets for your school or to make sure your school is using the most current application, please contact the Arizona Department of Public Safety Applicant Clearance Card Team at (602) 223-2279. You may also fax application packet requests to (602) 223-2947.

FCC Application Not Filled Out Completely

The current identity verified prints fingerprint clearance card application forms include a section that must be completed by the person who rolls the prints. The Arizona Department of Public Safety reports receiving applications in which the fingerprint taker's section has not been completed. In these cases, the Department has to return the entire application packet for correction. Individuals applying for a fingerprint clearance card should ensure that the person who rolls their fingerprints completes the identity verification portion of the application before it is submitted.

Incorrect Fee Submitted with Application

Individuals are not submitting the correct fee with their fingerprint clearance card applications. As of January 1, 2009, the fees for fingerprint clearance cards increased to \$65 for volunteers and \$69 for all others. Please note that the application fee is, however, subject to change at any time. To make sure the correct fee is submitted with each application, please visit the Arizona Department of Public Safety's [website](#) or contact the Arizona Department of Public Safety Applicant Clearance Card Team at (602) 223-2279.