



# FINGERPRINT CLEARANCE CARDS

*Questions & Answers*

*[aeahelpdesk.org](http://aeahelpdesk.org)*



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All certificated school employees are required to obtain “fingerprint clearance cards.” Anyone who participates in a teacher preparation program that is approved by the State Board of Education or anyone who is contracted by the State or a school district to provide tutoring services also must obtain a fingerprint clearance card. The Arizona Board of Fingerprinting has an excellent website with resources and sample forms at [fingerprint.az.gov](http://fingerprint.az.gov). Some frequently asked questions about these requirements follow..

## The Clearance Card Requirement

### What is a fingerprint clearance card?

The fingerprinting division of the Arizona Department of Public Safety (DPS) issues fingerprint clearance cards. DPS compares the state and federal criminal history records of an applicant for a clearance card to a list of offenses in A.R.S. § 41-1758.03. (Find Arizona statutes at [www.azleg.gov](http://www.azleg.gov).) If an applicant’s record shows none of the listed criminal offenses, the division issues a fingerprint clearance card. The DPS will send a letter if an applicant is denied a clearance card.

### Who needs a fingerprint clearance card?

Individuals who apply for initial certification from the Arizona Department of Education must have a valid fingerprint clearance card. Teachers who apply for renewal of any certificate or who apply for additional certificates must meet one of the following requirements:

1. Have a valid fingerprint clearance card.
2. Provide proof of the submission of an application for a clearance card.

Since 2008, teachers, student teachers, and tutors must have an Identity Verified Prints fingerprint card (IVP) from DPS. ARS Section 15-106. See below.

Applicants who have been denied a fingerprint clearance card also must provide proof that they qualify for a good cause exception hearing, which is described below. A.R.S. § 15-534(A).

### Do noncertificated education support professionals need fingerprint clearance cards?

No, but they are subject to other fingerprinting requirements. Noncertificated education support professionals who are initially hired by a school district after January 1, 1990 must be fingerprinted as a condition of employment. They also must certify on notarized forms whether they are awaiting trial or whether they have ever been convicted of or admitted to certain criminal offenses. See A.R.S. § 15-512.

### What happens if someone’s criminal history record shows a listed offense?

Depending on the offense, the person can apply for a “good cause exception.” Most teachers with a minor criminal offense from many years ago will receive a clearance card or a good cause exception.

The offenses listed in subsection B of A.R.S. § 41-1758.03 absolutely preclude a person from receiving a fingerprint clearance card. These offenses are “nonappealable.” For example, a person who is awaiting trial on or who has been convicted of committing sexual conduct with a minor *may not* receive a fingerprint clearance card and *may not* request a good cause exception. A list of nonappealable offenses is in the Appendix.

Subsection C lists the offenses for which a person may request a good cause exception. These offenses are “appealable.” For example, a person who is awaiting trial on or who has been convicted of theft may petition the Board of Fingerprinting for a good cause exception. A list of appealable offenses is in the Appendix.

A.R.S. § 41-1758.03 lists many diverse offenses, and someone with a criminal history record should carefully review the statute to determine whether a good cause exception is possible. Note that the list of offenses may change with legislative action. The current list of offenses is available online at [www.azleg.gov](http://www.azleg.gov). Click on “Arizona Revised Statutes” on the Legislative Council Tab and scroll down to Title 41.

### **What happens with a DUI offense?**

Driving under the influence (DUI) is not a precluding offense. Someone with a DUI that occurred within five years from the date of the application for a fingerprint clearance card will be restricted, however, from driving as part of the individual’s employment. For example, a coach could not drive members of the team in the school district van. See A.R.S. § 41-1758.03(D).

## **Getting and Keeping the Clearance Card**

### **When should a teacher apply for a clearance card?**

Because applicants for initial certification must have a fingerprint clearance card, these individuals should apply prior to applying for certification. For individuals with no state or federal criminal record, processing time currently is approximately three to five weeks after DPS receives a complete fingerprint packet.

Anyone who has committed an appealable offense also will have to apply for a good cause exception, which takes additional time. Applying early allows sufficient time to complete the criminal history review and the good cause exception procedure if needed. Generally, if the application meets the conditions of an expedited review, this occurs about two to three weeks from when the Board of Fingerprinting receives a complete good cause application packet. If a hearing is required, the process may take several additional months.

Teachers who apply for renewal of certification or who apply for additional certificates only have to show proof that they have applied for a clearance card. If teachers who are currently certified have committed one of the listed criminal offenses, they also must show proof that they qualify for a good cause exception hearing. These teachers remain certified during that process.



### **What is the cost of applying for a clearance card?**

The current application fee is \$67.00, Online applicants must pay by Credit Card or Bank Debit Card. Paper applicants must pay by Money Order or Cashier's Check.

### **How is the application form obtained?**

Call DPS at (602) 223-2279 and request an IVP application form.

Go to the online portal at <https://www.azdps.gov/services/public/fingerprint>

### **Where can someone be fingerprinted?**

DES does **not** do fingerprinting. Some school districts arrange for fingerprint services, and some county sheriff's offices and police departments do fingerprinting. Agencies may charge a fee for fingerprinting and may have additional conditions. For example, some municipal police departments provide fingerprinting services only to residents of the particular municipality. Teachers should call the individual office or agency and check on the dates and times at which fingerprinting is done, the fee, and whether other conditions apply. Private fingerprint services are listed on the internet.

### **What are "identity verified fingerprints"?**

Since 2008, an applicant for a new teaching certificate or an applicant for renewal of a teaching certificate must submit identity verified fingerprints. See A.R.S. § 15-106. The entity doing the fingerprinting will check the completed application form against photographic identification and demographic information and then send the application form and fingerprints with the required fee directly to DPS.

DPS provides for digital storage and retrieval of identity verified fingerprints. An individual who has a set of identity verified fingerprints on file with DPS is not required to submit a new set of fingerprints to renew a fingerprint clearance card.

### **How long is a clearance card effective?**

Unless suspended or revoked, a clearance card remains effective for six years. See A.R.S. § 41-1758.02. Teachers must maintain a valid fingerprint clearance card during the valid period of their certificates. A.R.S. § 15-534(B).

### **What happens if a teacher whose certificate previously was approved by the state board of education is denied a clearance card?**

The teacher may be eligible for "prior agency clearance." If the State Board of Education previously reviewed a teacher's criminal history records and voted to grant certification prior to August 16, 1999, and if there were no new precluding offenses after the State Board's vote, the teacher is eligible to receive a fingerprint clearance card without going through the good cause exception process. See A.R.S. § 41-1758.03(G). If DPS denies the clearance card, contact the State Board of Education staff at <https://azsbe.az.gov>.

### **If a teacher is certified in another state, is a fingerprint clearance card required?**

Yes.

**What happens if a teacher is arrested after receiving a clearance card?**

The fingerprinting division of DPS shall suspend the clearance card of a person who is arrested for any offense listed in A.R.S. § 41-1758.03(B) or (C). See A.R.S. § 41-1758.04. In addition, the State Board of Education and the individual's school district are notified if a clearance card is suspended. After an investigation, the State Board of Education will determine whether to issue a complaint seeking disciplinary action against the teacher's certificate. Some school districts allow the teacher to continue working when the clearance card is suspended and a request for a good cause exception is pending. Other districts place the teacher on paid or unpaid leave, and some districts begin dismissal proceedings.

A certificated school district employee or an applicant for employment with a school district who is arrested for any nonappealable offense listed in A.R.S. § 41-1758.03(B) must immediately report the arrest to the supervisor or potential employer. Failure to disclose the arrest is unprofessional conduct, warranting dismissal or exclusion from employment. See A.R.S. § 15-550(C).

The fingerprinting division shall revoke the clearance card of a person who is convicted of a nonappealable offense listed in A.R.S. § 41-1758.03(B). A certificated school district employee who is convicted of any nonappealable offense must surrender any certificates to the Department of Education, notify the employer, notify DPS, and surrender the fingerprint clearance card. See A.R.S. § 15-550(D).

**The Good Cause Exception****Who determines a good cause exception?**

DPS determines whether an applicant fits within the categories of A.R.S. §41-1758.03 (B) and (C). The Board of Fingerprinting determines whether a person is entitled to a good cause exception. A.R.S. § 41-619.53. The Board consists of representatives from the Arizona Supreme Court, Department of Economic Security, Department of Education, Department of Health Services, Department of Child Safety, and Department of Juvenile Corrections. A.R.S. § 41-619.52.

**How long do I have to submit an application for a Good Cause Exception?**

The rules says: AAC R13-11-104. Application Requirements A. Good cause exception application. To apply for a good cause exception, an applicant shall submit the following materials to the Board within one year from the date of the denial or suspension letter from DPS.

**How does someone apply for a good cause exception?**

The first step is to acquire an application packet from the Board of Fingerprinting at [fingerprint.az.gov](http://fingerprint.az.gov) on the Internet.

The Board requires a signed, notarized application form and submission of certain documents to obtain a good cause exception. These documents include:

1. A copy of the DPS denial/suspension letter.



2. Two letters of reference on forms provided by the Board, one of which must be from a current or former employer who has known the applicant for at least one year and/or another from someone who has known the applicant for at least three years.
3. A detailed statement explaining the circumstances of each arrest in the criminal history record even if the arrest is not listed on the DPS letter.
4. Evidence of compliance with all court-imposed requirements or sentencing conditions, such as payment of fines, completion of counseling programs, and completion of probation.
5. Photocopies of court records (or documentation from the court that records are no longer available).

If the DPS letter states that a fingerprint clearance card was denied because there is no information about the disposition of a criminal charge, the applicant must provide photocopies of court documents showing disposition of the charge or documentation showing that the records are no longer available. If the offense occurred five years ago or less, the applicant must provide photocopies of the entire police report and court documents showing disposition of the charge.

**What factors are considered for a good cause exception?**

Before granting or recommending a good cause exception, the Board of Fingerprinting or hearing officer considers the following factors:

1. The extent of the person’s criminal record.
2. The length of time since the offense was committed.
3. The nature of the offense.
4. Any applicable mitigating circumstances.
5. The degree to which the person participated in the offense.
6. The extent of the person’s rehabilitation, including completion of probation, whether the person paid restitution or other compensation, evidence of efforts to change criminal behavior such as completion of a drug treatment program, and personal references attesting to the person’s rehabilitation.

See A.R.S. § 41-619.55(E).

**Is there a hearing to determine a good cause exception?**

Perhaps. Sometimes a hearing is not necessary because the Board of Fingerprinting has sufficient information to grant a good cause exception with “expedited review.” Under this review, the Board examines the documents submitted without the applicant being present. Expedited review must occur within 20 days after the Board receives a complete application and the criminal history from DPS. Applicants

whose good cause exceptions are approved under expedited review generally have few offenses, old offenses, or very minor offenses.

If an applicant is denied a good cause exception under expedited review, Board staff will send a letter explaining the need to appear at a hearing. All hearings are held in Phoenix, Arizona, and the Board will send a formal notice with the date, time, and precise location of the hearing at least 20 days prior to the hearing. The Board may appoint a hearing officer who will recommend whether an applicant should be granted or denied a good cause exception. A.R.S. § 41-619.55. An applicant may have a representative at the hearing. A.R.S. § 41-619.55(D).

If the Board of Fingerprinting approves the good cause exception, the Board sends a letter to DPS requesting that DPS issue the fingerprint clearance card. After receiving the Board's letter, DPS usually sends the card within seven to ten working days.

### **Does AEA provide legal assistance to request a good cause exception?**

AEA usually provides legal services to AEA members who have been denied a fingerprint clearance card or whose card has been suspended. Promptly responding to a denial or suspension is important, so contact your AEA Organizational Consultant or [aeahelpdesk.org](http://aeahelpdesk.org) for a legal referral as soon as possible.

## **Criminal History Records**

### **Are criminal history records confidential?**

All criminal history record information maintained by the Board of Fingerprinting is confidential except that information may be disclosed in a good cause exception hearing. Persons who attend a good cause exception hearing are prohibited from discussing or sharing any criminal history record information outside the hearing. Criminal history record information and good cause exception decisions and hearings are exempt from Arizona's public records laws. A.R.S. § 41-619.54.

### **What can be done if the criminal history record is not correct?**

Individuals who question the accuracy of their criminal history records should contact the DPS fingerprint clearance card team at <https://www.azdps.gov/services/public/fingerprint> (use the Contact Us tab).for charges that occurred in ArizonaFor charges that occurred outside of Arizona, contact the Federal Bureau of Investigation at <https://www.fbi.gov/services/cjis/identity-history-summary-checks>.

## **An Important Note**

Please be aware that the forms and procedures for the fingerprint clearance card requirements may change. Also, the list of criminal offenses may be modified by legislative action. Teachers should check at [fingerprint.az.gov](http://fingerprint.az.gov), or AEA staff to be sure they have the most current information and forms.



## Practical Tips

1. If you are applying for initial certification, apply early for a fingerprint clearance card, particularly if there is a criminal incident in your past.
2. Begin early to get photocopies of all documents related to a prior criminal matter, including court records, police reports, termination of probation orders, receipts for payment of fines, and proof of completion of community service.
3. If your offense or charge occurred long ago, the court may not have your records. Request a letter or documentation from the court stating that it searched its records and could not find any record for your case.
4. Check with the court in the jurisdiction where the prior criminal matter occurred to see if the offense can be expunged or set aside. Send a copy of the court order to the Board of Fingerprinting.
5. The written statement submitted to the Board of Fingerprinting for a good cause exception should explain in detail every criminal charge on your record. Include any mitigating circumstances and any steps you have taken to change your behavior.
6. Submit positive information such as recent good evaluations, awards, and achievements in addition to the required letters of reference.
7. Submit all information requested at one time.
8. Keep photocopies of all application forms and documents submitted.
9. Contact the Board of Fingerprinting staff immediately if your address changes during the good cause exception process.
10. Check the Board of Fingerprinting Web site *fingerprint.az.gov* for helpful, current information about the good cause exception process.



## **Nonappealable Offenses – No Fingerprint Clearance Card**

1. Sexual abuse of a vulnerable adult.
2. Incest.
3. First or second degree murder.
4. Sexual assault.
5. Sexual exploitation of a minor.
6. Sexual exploitation of a vulnerable adult.
7. Commercial sexual exploitation of a minor.
8. Commercial sexual exploitation of a vulnerable adult.
9. Child sex trafficking as prescribed in section 13-3212.
10. Child abuse.
11. Abuse of a vulnerable adult.
12. Sexual conduct with a minor.
13. Molestation of a child.
14. Molestation of a vulnerable adult.
15. A dangerous crime against children as defined in section 13-705.
16. Exploitation of minors involving drug offenses.
17. Taking a child for the purpose of prostitution as prescribed in section 13-3206.
18. Neglect or abuse of a vulnerable adult.
19. Sex trafficking.
20. Sexual abuse.
21. Production, publication, sale, possession and presentation of obscene items as prescribed in section 13-3502.
22. Furnishing harmful items to minors as prescribed in section 13-3506.
23. Furnishing harmful items to minors by internet activity as prescribed in section 13-3506.01.
24. Obscene or indecent telephone communications to minors for commercial purposes as prescribed in section 13-3512.
25. Luring a minor for sexual exploitation.
26. Enticement of persons for purposes of prostitution.
27. Procurement by false pretenses of person for purposes of prostitution.



28. Procuring or placing persons in a house of prostitution.
29. Receiving earnings of a prostitute.
30. Causing one's spouse to become a prostitute.
31. Detention of persons in a house of prostitution for debt.
32. Keeping or residing in a house of prostitution or employment in prostitution.
33. Pandering.
34. Transporting persons for the purpose of prostitution, polygamy and concubinage.
35. Portraying adult as a minor as prescribed in section 13-3555.
36. Admitting minors to public displays of sexual conduct as prescribed in section 13-3558.
37. Unlawful sale or purchase of children.
38. Child bigamy.
39. Trafficking of persons for forced labor or services.



## **Appealable Offenses – Fingerprint Clearance Card Possible with Good Cause Exception**

1. Manslaughter.
2. Endangerment.
3. Threatening or intimidating.
4. Assault.
5. Unlawfully administering intoxicating liquors, narcotic drugs or dangerous drugs.
6. Assault by vicious animals.
7. Drive by shooting.
8. Assaults on officers or fire fighters.
9. Discharging a firearm at a structure.
10. Indecent exposure.
11. Public sexual indecency.
12. Aggravated criminal damage.
13. Theft.
14. Theft by extortion.
15. Shoplifting.
16. Forgery.
17. Criminal possession of a forgery device.
18. Obtaining a signature by deception.
19. Criminal impersonation.
20. Theft of a credit card or obtaining a credit card by fraudulent means.
21. Receipt of anything of value obtained by fraudulent use of a credit card.
22. Forgery of a credit card.
23. Fraudulent use of a credit card.
24. Possession of any machinery, plate or other contrivance or incomplete credit card.
25. False statement as to financial condition or identity to obtain a credit card.
26. Fraud by persons authorized to provide goods or services.



27. Credit card transaction record theft.
28. Misconduct involving weapons.
29. Misconduct involving explosives.
30. Depositing explosives.
31. Misconduct involving simulated explosive devices.
32. Concealed weapon violation.
33. Possession and sale of peyote.
34. Possession and sale of a vapor-releasing substance containing a toxic substance.
35. Sale of precursor chemicals.
36. Possession, use or sale of marijuana, dangerous drugs or narcotic drugs.
37. Manufacture or distribution of an imitation controlled substance.
38. Manufacture or distribution of an imitation prescription-only drug.
39. Manufacture or distribution of an imitation over-the-counter drug.
40. Possession or possession with intent to use an imitation controlled substance.
41. Possession or possession with intent to use an imitation prescription-only drug.
42. Possession or possession with intent to use an imitation over-the-counter drug.
43. Manufacture of certain substances and drugs by certain means.
44. Adding poison or other harmful substance to food, drink or medicine.
45. A criminal offense involving criminal trespass under title 13, chapter 15.
46. A criminal offense involving burglary under title 13, chapter 15.
47. A criminal offense under title 13, chapter 23.
48. Child neglect.
49. Misdemeanor offenses involving contributing to the delinquency of a minor.
50. Offenses involving domestic violence.
51. Arson.
52. Kidnapping.
53. Felony offenses involving sale, distribution or transportation of, offer to sell, transport or distribute or conspiracy to sell, transport or distribute marijuana, dangerous drugs or narcotic drugs.
54. Robbery.



55. Aggravated assault.
56. Felony offenses involving contributing to the delinquency of a minor.
57. Negligent homicide.
58. Criminal damage.
59. Misappropriation of charter school monies as prescribed in section 13-1818.
60. Taking identity of another person or entity.
61. Aggravated taking identity of another person or entity.
62. Trafficking in the identity of another person or entity.
63. Cruelty to animals.
64. Prostitution.
65. Sale or distribution of material harmful to minors through vending machines as prescribed in section 13-3513.
66. Welfare fraud.



## A Final Note

For more information and assistance, contact your local association, [aeahelpdesk.org](http://aeahelpdesk.org), or your AEA Organizational Consultant.

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This booklet is a general guide for AEA members and is not intended to provide complete information or legal advice on specific problems. Changes in laws and cases may modify the information provided. To find Arizona statutes on the Internet, go to [www.azleg.gov](http://www.azleg.gov).



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