JOSEPH CITY UNIFIED SCHOOL DISTRICT NO. 2

GCFC-R FINGERPRINTING REQUIREMENTS, Regulation

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REGULATION

FINGERPRINTING REQUIREMENTS

This regulation implements Policy GCFC and A.R.S. 15-106, 15-505, 15-509, 15-512, 15-534, 41-1750, 41-1758.03, and 41-1758.07.

A. System of record

The District's ERP system, Human Resources, Certificates module, is the single system of record for fingerprint clearance status. For every covered person it shall record: card type (IVP or standard), card number, IVP number where applicable, issue date, expiration date, and current status. No other system and no paper file substitutes for an entry here.

The Human Resources designee shall enroll the District in the card status notification service that the Department of Public Safety (DPS) makes available to employers, so that the District is notified whenever the status of a card associated with a District authorization changes. That enrollment shall be verified each August.

B. Who is covered, and which card

1. **Certificated employees.** Certificated personnel are fingerprinted as a condition of employment, except those who as a condition of certification must hold a valid fingerprint clearance card. A certificated person shall maintain a valid fingerprint clearance card during the valid period of the person's certificate (A.R.S. 15-534(B)). A person applying for a new or renewed teaching certificate, and a person participating in field experience or student teaching, must submit identity verified fingerprints and hold an **Identity Verified Prints (IVP)** card under A.R.S. 15-106.

2. **Noncertificated employees.** All newly hired noncertificated personnel are fingerprinted as a condition of employment under A.R.S. 15-512(A). As A.R.S. 15-512(A) permits, the District requires every noncertificated employee to obtain a fingerprint clearance card as a condition of employment, and, because the person is required to be fingerprinted under A.R.S. 15-512, the fingerprints must be identity verified (**IVP**) under A.R.S. 15-106. This includes every extra duty, stipend, seasonal, part-time, substitute, and student-facing support position, whether or not it appears on a salary schedule.

3. **Unpaid personnel, including volunteers.** A person who is not a paid employee must be fingerprinted unless **both** of the following are true, and the determination is recorded in writing before the person begins:

a. the person is the parent or guardian of a pupil who attends school in this District, **and**

b. the person provides direct services to pupils only while supervised, meaning under the direction of and, except for brief periods of time during a school day or school activity, within sight of a certificated employee (A.R.S. 15-512(A)).

The principal or activity supervisor makes this determination on the volunteer intake form and signs it. If either condition is not met, a card is required. When in doubt, require the card. The District shall not charge an unpaid person for the card or the check (A.R.S. 15-512(C)).

4. **Contractors, subcontractors, and vendors.** A contractor, subcontractor, or vendor, or any employee of a contractor, subcontractor, or vendor, who is contracted to provide services on a regular basis at an individual school shall obtain a valid fingerprint clearance card (A.R.S. 15-512(H) and Policy DJG). The Superintendent, or a principal with the Superintendent's approval, may exempt a person whose normal job duties are not likely to result in independent access to or unsupervised contact with pupils. **Every exemption shall be in writing on the District exemption form, signed, dated, and filed in the District office**, as Policy DJG requires. An unwritten exemption is not an exemption. The criteria are: the person's duties, whether the work occurs during school hours, whether the person is escorted, and whether the work area is accessible to students.

5. **Tutors.** A person contracted by the State, this District, or a charter school to provide tutoring services must obtain a fingerprint clearance card and submit identity verified fingerprints (A.R.S. 15-106 and 15-534(G)).

6. **Other persons.** The District may fingerprint or require a card of any other employee, paid or not, or any other applicant not otherwise required by law, and shall not charge that person for the check or card (A.R.S. 15-512(G)).

C. Before work begins

1. No person begins work, paid or unpaid, in a covered position until the Human Resources designee has documented in the system of record either a valid card or, for noncertificated personnel using the twenty day period in A.R.S. 15-512(A), submission of fingerprints and the form GCFC-E, with the twenty day deadline entered as a tracking date.

2. Before employing any certificated or noncertificated person, the District shall search the educator information system maintained by the Department of Education (A.R.S. 15-505(C) and 15-512(F)). The District shall not employ, in a position that requires a valid fingerprint clearance card, a certificated person whose certificate has been suspended, surrendered, or revoked unless the State Board of Education has reinstated it, or a noncertificated person the State Board of Education has prohibited from employment (A.R.S. 15-505(D)).

3. The Human Resources designee collects the card copy or DPS application receipt, the notarized form GCFC-E, and the criminal conviction disclosure required by A.R.S. 15-509 with the new hire paperwork, files them, and enters the dates in the system of record before the first payroll.

4. An applicant presenting an **expired** card may begin only on the signed affidavit described in Policy GCFC, which requires that a completed renewal application was submitted to DPS within ninety days before expiration and that the person is not awaiting trial on and has not been convicted of a disqualifying criminal offense. This option is **not available** where a card has been denied, suspended, or revoked, or where the person has requested a good cause exception hearing.

5. **Provisional placement.** A noncertificated person who is required or allowed unsupervised contact with pupils may be placed into service before the fingerprint check is completed or the card is issued only if the District does all of the following, as A.R.S. 15-512(L) requires:

    a. documents in the applicant's file the necessity for hiring and placing the applicant before a fingerprint check could be completed or a card could be issued;

    b. ensures that DPS completes a statewide criminal history information check on the applicant **every one hundred twenty days** until the fingerprint check is completed or the card is issued or denied, with each recheck date entered in the system of record;

    c. obtains references from the applicant's current employer and two most recent previous employers, except for an applicant who has been employed at least five years by the most recent employer;

    d. provides general supervision of the applicant until the fingerprint check is completed or the card is issued or denied.

    Certificated applicants placed before a card is issued are governed by the conditional certification requirements of A.R.S. 15-534(E) and Policy GCF.

D. Monthly monitoring

1. On the first school day of each month the Human Resources designee exports the certificate report and reviews it against the active roster, including substitutes, seasonal, part-time, extra duty, stipend, and unpaid covered personnel.

2. **Expiring within ninety days.** Written notice to the person to submit a DPS renewal immediately, with a reminder that renewing before expiration is what preserves the affidavit option. Second notice at thirty days.

3. **Expired.** Reported to the Superintendent the same day. The person may continue only on a qualifying affidavit. Absent one, the person is released from duties involving students until a valid card is documented.

4. **No record on file.** Reported to the Superintendent the same day, status verified with DPS, and fingerprinting initiated at once. The person works only under supervision as defined in Policy GCFC, or not at all, until the record is complete.

5. The monthly export is retained three years as the audit record of monitoring.

E. Denial, suspension, or revocation

This section applies when DPS notifies the District that a card has been denied, suspended, or revoked, or that DPS is not authorized to issue a card (A.R.S. 41-1750 and 41-1758.03(M)).

1. **Same day.** The Human Resources designee notifies the Superintendent the same day. The notice is shared only with persons authorized under section F and is not forwarded, copied, printed for circulation, or discussed.

2. **Immediate protective step.** The Superintendent removes the person from all duties involving students, by reassignment or leave consistent with law, Board policy, and any applicable contract. This is a protective step pending review, not discipline, and shall be documented as such.

3. **No provisional bridge.** The provisional placement provisions of section C.5 and A.R.S. 15-512(L) apply only until a card is issued **or denied**. Once a card is denied they may not be used. A person who holds a written interim approval to continue working issued by the Board of Fingerprinting under A.R.S. 41-619.55(I) may be considered for continued work only after the Human Resources designee has verified the approval and recorded it in the system of record.

4. **Determine the basis.** The Superintendent obtains the DPS notice and, with District counsel, determines whether the preclusion arises under A.R.S. 41-1758.03(B), or 41-1758.07(B) for a level I card, which list offenses that preclude a card, or under A.R.S. 41-1758.03(C) or 41-1758.07(C), for which the person may petition the Board of Fingerprinting for a good cause exception under A.R.S. 41-619.55, or whether DPS could not determine a disposition under A.R.S. 41-1758.03(L) or 41-1758.07(L), in which case the person may also request a good cause exception.

5. **Legal review and lawful process before any employment action.** The Superintendent consults District counsel before taking any employment action beyond the protective step in E.2. No employee is terminated except through the process the law and Board policy require for that employee's position and for the ground on which the action rests, including:

    a. **Offenses listed in A.R.S. 15-512(D).** The District may refuse to hire, or may review or terminate, personnel who have been convicted of or admitted committing an offense listed in A.R.S. 15-512(D) or a similar offense in another jurisdiction. A school district considering terminating an employee on this ground shall hold a hearing to determine whether the employee shall be terminated (A.R.S. 15-512(E)). In conducting a review, the Governing Board

shall use the guidelines, including the list of offenses that are not subject to review, prescribed by the State Board of Education pursuant to A.R.S. 15-534(C), and in considering whether to hire or terminate the person shall take into account the following factors: the nature of the crime and the potential for crimes against children; offenses committed as a minor for which proceedings were held under the jurisdiction of a juvenile or an adult court; offenses that have been expunged by a court of competent jurisdiction, if the person has been pardoned or if the person's sentence has been commuted; the employment record of the person since the commission of the crime, if the crime was committed more than ten years before the Governing Board's consideration; and the reliability of the evidence of an admission of a crime unless made under oath in a court of competent jurisdiction.

b. **Certificated employees.** A certificated person must maintain a valid fingerprint clearance card during the valid period of the person's certificate (A.R.S. 15-534(B)). Any dismissal, suspension, or nonrenewal of a certificated employee follows the notice and hearing procedures that apply under Arizona law and Board policy for certificated employees.

c. **Inconsistent affidavit.** Where the District may terminate an employee because the information on the form GCFC-E is inconsistent with the fingerprint check or card results (A.R.S. 15-512(A) and (L)), the action follows the process that applies to that employee under law and Board policy.

Nothing in this regulation creates a right to continued employment in a position that requires a valid card, and nothing in it authorizes an employment action without the notice, hearing, or other process the law requires.

6. **What the District tells the person.** That the card is not valid, that the District cannot retain a person in a position that requires a valid card without one, and that DPS is the source for the specifics and for any appeal rights. The District does not interpret the person's criminal history record and does not advise on the good cause exception. The District may provide the public contact information for DPS and the Board of Fingerprinting.

7. **Good cause exception.** The petition is the person's to file, not the District's, within the time limits the Board of Fingerprinting prescribes. The District makes no promise that the position will be available if an exception is granted. The District does not furnish a reference letter in support of a good cause exception application except on the Superintendent's written decision.

8. **Affidavit inconsistency and false statements.** Where information on the form GCFC-E is inconsistent with the information received from the fingerprint check or the card application, the District may terminate employment as A.R.S. 15-512(A) and (L) permit, following the process in E.5. Under Policy GCF, an employee's misstatement of fact that is material to qualifications for employment constitutes grounds for dismissal. A person who makes a false statement, representation, or certification in

any application for employment with the District is guilty of a class 3 misdemeanor (A.R.S. 15-512(N)).

9. **Board action.** Where Board action is required, it may be discussed in executive session under A.R.S. 38-431.03(A)(1), (2), and (3). The employee receives written notice not less than twenty-four hours in advance and may demand that the discussion or consideration occur at a public meeting (A.R.S. 38-431.03(A)(1)). Any final vote or decision is taken in public, on the regular agenda and not the consent agenda (A.R.S. 38-431.03(D)).

F. Handling criminal history record information

Criminal history information received from DPS or the FBI is subject to the dissemination restrictions of A.R.S. 41-1750 and Public Law 92-544. Policy GCF provides that any person who permits unauthorized access to criminal history record information, releases it, or procures the release of or uses it other than in accord with A.R.S. 41-1750 is guilty of a **class 6 felony**.

1. Access is limited to the Superintendent, the Human Resources designee, and District counsel.

2. Such documents are stored separately from the general personnel file, in a locked or access-restricted location, with their existence noted in the file inventory and without duplication.

3. They are never attached to a Board packet, emailed outside the District, or discussed in open session.

4. Persons present at an executive session involving such records are instructed on confidentiality as A.R.S. 38-431.03(C) requires.

G. Required reports

1. **June 30 and December 31 each year**, the District reports to the Superintendent of Public Instruction the number of applicants hired before completion of a fingerprint check or issuance of a card, and the number for whom fingerprint checks were not received or cards were not issued after one hundred twenty days and after one hundred seventy-five days of hire (A.R.S. 15-512(L)(5) and Policy GCF). The Human Resources designee prepares the report, the Superintendent signs it, and a copy is retained.

2. The District annually submits to the Department of Education a list of certificated and noncertificated persons employed by the District (A.R.S. 15-505(E) and Policy GCF).

H. Annual reconciliation

Each August, before the first day of school, the Human Resources designee reconciles the full certificate report against the complete active roster, including every position on the Board approved personnel list, substitutes, seasonal, part-time, extra duty, stipend, unpaid

covered personnel, and regular contractors and vendors, and reports the results in writing to the Superintendent. The report identifies every person missing a card, holding an expired card, holding a standard card where an IVP card is required, missing a GCFC-E affidavit, or working under an unwritten vendor exemption.

I. Costs and fees

The District assumes the cost of fingerprint checks and clearance cards and may charge the actual cost to paid employees required to be fingerprinted, as Policy GCFC and A.R.S. 15-512(C) permit. Unpaid personnel, and persons fingerprinted only because the District elects to require it under A.R.S. 15-512(G), are not charged. Fees collected are deposited with the County Treasurer and credited to the District fingerprint fund, as A.R.S. 15-512(C) requires.

J. Responsibilities

The **Human Resources designee** carries out sections A through D and F through I. The **principal or activity supervisor** makes and signs the volunteer supervision determination in section B.3. The **Business Manager** maintains the system of record and the fee deposits. The **Superintendent** receives same day notice of every expired card, missing record, denial, suspension, and revocation, approves every contractor or vendor exemption, decides every removal from duty, and is the only District spokesperson on a clearance matter.