Minutes of Public Meeting
ARIZONA BOARD OF FINGERPRINTING
July 25, 2000

A special meeting of the Arizona Board of Fingerprinting was held at the Department of Economic Security, 4th Floor, 1789 W. Jefferson, Phoenix, Arizona. The meeting began at approximately 1:14 p.m.

MEMBERS PRESENT	MEMBERS ABSENT
Mike LeHew Joe Garcia Cheryl Rowley Kim Pipersburgh	Corinne Velasquez

CALL TO ORDER

ROLL CALL

SPECIAL SESSION

IMPLEMENTATION OF NEW LEGISLATION (SB 1407, SB1263, HB2359)

Mr. LeHew introduced the item and relaxed the formal parliamentary procedures in order to conduct an open discussion of this topic.

MOTION

After considerable discussion, Ms. Rowley made the lengthy motion to approve the general guidelines outlined below for approving interim work permits and expedited good cause exceptions; to authorize the Director to act on behalf of the Board in approving expedited approvals and interim work permits based on these guidelines; and directed the Director to modify the application form and instructions as needed. The Director is not required to approve an applicant based on these guidelines; and may submit the application package to the Board for review and approval, or to a hearing where the applicant must be present. The guidelines are to be considered "general" in nature. The Director may amend them as needed upon review and approval by the Chair and Co-Chair. The entire Board will review the guidelines within three months. Motion carried 4-0. Velasquez absent.

GENERAL GUIDELINES FOR APPROVING EXPEDITED GOOD CAUSE EXCEPTIONS (in lieu of hearing and with applicant not present)

The Applicant:

1. Must complete the Board of Fingerprinting Application for Good Cause Exception and provide all requested documentation when possible.
2. Cannot be awaiting trial.
3. Must have met all of the requirements of the court such as completion of probation, payment of fine, attendance at counseling, et cetera.
4. Must show evidence of successful rehabilitation and/or positive life change.
5. May have a single isolated incident on his/her criminal record that occurred three or more years from the appeal application date.
6. May have multiple offenses (or any involvement with law enforcement) on his/her criminal record but the latest incident must have occurred five or more years from the appeal application date.
7. Must be cooperative and make a good faith effort to comply with the Board requirements. Lack of disposition information, uncooperativeness, or insufficient documentation may result in the applicant having to appear in person before the Board.
8. Whose criminal record indicates any offense involving physical violence, verbal threats, or intimidation with an object will be held to a higher standard.

GENERAL GUIDELINES FOR APPROVING INTERIM WORK PERMITS

The Applicant:

1. Must meet all of the requirements for an expedited approval.
2. Must provide a notarized recommendation from an authorized representative on the letterhead of the

provider agency or district for which the applicant wishes to work.

The Interim Work Permit will be valid for up to sixty days.

CALL TO THE PUBLIC

No one from the public attended this meeting.

ADJOURNMENT

Mr. Lehew adjourned the meeting at approximately 4:41 p.m.

Approved by the Board on the 16 day of August, 2000.

Julie LeHew
Chair

Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Thomas A. Zlaket
Chief Justice

David K. Byers
Administrative Director
of the Courts

MEMORANDUM

(Sent Via Fax July 24, 2000)

To: Mike Lehew, Chairperson, Board of Fingerprinting

From: Joe Garcia, Program Specialist, Administrative Office of the Courts (AOC), Juvenile Justice Services Division

Date: July 24, 2000

Re: **CRITERIA TO ESTABLISH INTERIM APPROVALS AND TELEPHONIC CONSENT AGENDA**

At our Board of Fingerprint business meeting of July 12, 2000, the state agencies that comprise the Board of Fingerprint met and proposed some initial criteria for the development to each of the Interim Work Approval and the Telephonic Consent processes. We agreed that Board of Fingerprinting members would consult with their respect state agencies, and provide feedback to the Board on these two items by July 24, 2000. The following are the recommendations of the AOC, in addition to the recommendation(s) proposed at the 7/12/00 meeting.

Interim Work Approval:

The AOC recommends that the Interim Work approval process and procedures not be applied universally to all individuals that request an Interim Work Approval. The state agencies created the class I and Class II Fingerprint Clearance Card in order to best serve and protect the unique populations that our respective agencies serve and to meet the varying needs of our respective state agencies when considering Good Cause Exceptions. The Interim Work Approval process and standards need to be seen from that same context of Class I and Class II and the state agencies affected.

The offense(s) committed by an applicant who has been denied a fingerprint clearance card, and is asking for interim work approval may present different levels of severity and risk depending upon the population served. A Class I or Class II Interim Work Approvals grouped by the same categories as exist on the fingerprint application, would address those levels of severity and the needs of the state agencies when granting interim work approval.

For example, the population covered under Class II for Behavioral Health Treatment Programs, the AOC recommends all Class II Good Cause Crimes be subject to the following criteria when being considered for an interim approval.

- One year needs to have elapsed since the deniable conviction.
- When granted an interim work approval, the applicant must work under direct visual supervision of staff who hold a valid fingerprint clearance.
- A person that is on probation is not eligible for an interim approval.
- A person convicted of a DUI may not transport clients.
- The employer needs to write a letter of recommendation on behalf of the applicant, explaining why retaining the applicant is essential to the provider agency.
- An applicant can have only a singular deniable conviction.
- The conditions of the interim approval must be specific to the state agency(s) involved and the program where the applicant is employed.
- An interim approval is only valid to the particular provider program and not to other programs the provider agency may operate.
- An interim work approval is valid until the applicant's Good Cause Exception application has been determined by the Board.

Telephonic Consent Agenda:

A Telephonic Consent Agenda is an expedited hearing process where members of the Board of Fingerprinting meet or conference via telephone, to review and discuss an applicant and his/her petition for a Good Cause Exception without the applicant being present.

During the process, if a Board of Fingerprinting member believes that the information presented on behalf of an applicant is not suitable to approve a Good Cause Exception and grant the applicant a fingerprint clearance card, any affected state agency board member can call an end to the process. The board member can then call for a regular hearing with the applicant appearing before the Board of Fingerprinting.

Applicants who are not approved by the process must have a regular hearing scheduled where

they may be in attendance.

The following criteria are recommended for persons applying to the Board of Fingerprinting for a Good Cause Exception in order to be considered for a Telephonic Consent Agenda Hearing.

- A person that is on probation is not eligible for a Telephonic Consent Agenda Hearing.
- One year needs to have elapsed since the deniable conviction.
- An applicant can have only a singular deniable conviction.

c: Roger Andrus, DHS
Doc Holloway, ADJC
Kit Komarek, AOC
Sally Loveland, Board of Fingerprint
David Matthews, DES
Kim Pipersburgh, DHS
Cherly Riley, ADJC
Corinne Velasquez, DOE

Arizona Supreme Court

ADMINISTRATIVE OFFICE OF THE COURTS

PHOENIX OFFICE:
1501 West Washington • Phoenix, Arizona 85007-3327
(602) 542-9300

FAX TRANSMISSION

FAX Numbers:

	Administrative Offices/Court Services	542-9480
	Adult Services	542-9673
	Dependent Children's	542-9478
	Domestic Relations	542-9659
	Education Services	542-9544
	Finance	542-9484
	Human Resources	542-9652
	Judicial Suites	542-9481
✓	**Juvenile Services**	**542-9479**
	Staff Attorney's Office	542-9482
	Tucson Office	628-6687
	Water Master	542-9602
	Chief Justice Zlaket (Tucson)	628-6685

TO: Roger Andrus - 861-0463; Doc Holloway - 542-5607; Mike Lehew - 542-6570; Sally Loveland - 223-2947; David Matthews - 542-6570; Kim Pipersburg - 861-0463; Cherly Riley - 542-5607; Corinne Velasquez - 542-3046

FROM: Joe Garcia

DATE/TIME: July 24, 2000

SUBJECT: Criteria to Establish Interim Approvals and Tele. Consent Agenda

OF PAGES TO FOLLOW: 3 FAXED BY: Pat

MESSAGE: Three page memo follows

If fax is not received in full or if there are any questions or problems,
Please call (602) 542-9446.

STATE BOARD OF EDUCATION

Corinne L. Velasquez, Executive Director

Investigative Unit
1535 West Jefferson
Phoenix, Arizona 85007
(602) 542-2972
FAX (602) 542-5388

DATE: 7-12-2000 TIME: 1:30

TO: SALLY LOUCHAND 602-223-2947
MIKE LeHew
JOE GARCIA 542-9474
Cheryl Rowley Kim Pipersburgh

FROM:
CRAIG EMANUEL

COMMENTS:
ARS 15-534 (E)
Verifies in writing ...

F. Administrator ∴ Admonishment

NUMBER OF PAGES INCLUDING COVER SHEET 3

Lisa Recommends that we don't

12, article 3.1. Applicants for renewal of any certificate shall not be required to be fingerprinted as a condition of renewal unless the school district requests the department of education to fingerprint the applicant. A person who already holds a certificate as provided in section 15-209 and who applies for additional certificates shall not be required to be fingerprinted.

B. Applicants shall certify on forms that are provided by the department of education whether they are awaiting trial on or have ever been convicted of any of the following criminal offenses in this state or similar offenses in another state or jurisdiction:

1. Sexual abuse of a minor.
2. Incest.
3. First or second degree murder.
4. Kidnapping.
5. Arson.
6. Sexual assault.
7. Sexual exploitation of a minor.
8. Felony offenses involving contributing to the delinquency of a minor.
9. Commercial sexual exploitation of a minor.
10. 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.
11. Felony offenses involving the possession or use of marijuana, dangerous drugs or narcotic drugs.
12. Burglary.
13. Aggravated or armed robbery.
14. Robbery.
15. A dangerous crime against children as defined in section 13-604.01.
16. Child abuse.
17. Sexual conduct with a minor.
18. Molestation of a child.
19. Manslaughter.
20. Assault or aggravated assault.
21. Exploitation of minors involving drug offenses.
22. A violation of section 28-1381, 28-1382 or 28-1383.
23. Offenses involving domestic violence.

C. The state board of education may review and may revoke or not renew the certificate of a person who has been convicted of or admitted in open court or pursuant to a plea agreement committing any of the criminal offenses prescribed in subsection B of this section or a similar offense in another jurisdiction. The board shall prescribe guidelines for the review process including a list of offenses that are not subject to review. In considering whether to revoke or not renew the certification of a person, the state board shall take into account the following factors:

1. The nature of the crime and the potential for crimes against children.
2. Offenses committed as a minor for which proceedings were held under the jurisdiction of a juvenile or adult court.
3. 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.
4. The employment record of the person since the commission of the crime if the crime was committed more than ten years before the state board's review of the person's certification.
5. The reliability of the evidence of an admission of a crime unless made under oath in a court of competent jurisdiction.

D. Fingerprints may be submitted up to eighteen months before the time of application for certification.

E. The department of education may issue conditional certification before an applicant has obtained a valid class one or class two fingerprint clearance card. The state board of education may revoke conditional certification if the information on the form provided under subsection B of this section is false or incomplete or the applicant is denied a class one or class two fingerprint clearance card. In addition to any other conditions or requirements deemed necessary by the superintendent of public instruction to protect the health and safety of pupils, conditional certification shall be issued before the applicant obtains a class one or class two fingerprint clearance card if all of the following conditions are met:

1. The school district that is seeking to hire the applicant verifies in writing on a form developed by the department of education the necessity for hiring and placement of the applicant before a fingerprint check is completed.
2. The school district that is seeking to hire the applicant performs all of the following:

(a) Ensures that the department of public safety completes a statewide criminal history information check on the applicant. A statewide criminal history information check shall be completed by the department of public safety every one hundred twenty days until the date that the fingerprint check is completed.

(b) Completes a search of criminal records in all local jurisdictions outside of this state in which the applicant has lived in the previous five years.

(c) Obtains 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 applicant's most recent employer.

(d) Provides general supervision of the applicant until the applicant receives permanent certification from the department of education.

F. A person who makes a false statement, representation or certification in any application for certification is guilty of a class 3 misdemeanor.

1999

15-535. Sectarian instruction prohibited

A teacher who uses sectarian or denominational books or teaches any sectarian doctrine or conducts any religious exercises in school is guilty of unprofessional conduct and his certificate shall be revoked.

1961

15-536. Offer of contract to certificated teacher who has not been employed more than three consecutive school years; acceptance; notice to teacher of intention not to reemploy

A. Subject to the provisions of sections 15-539, 15-540, 15-541, 15-544 and 15-549, the governing board shall, between March 15 and May 15, offer a teaching contract for the next ensuing school year to each certificated teacher who has not been employed by the school district for more than the major portion of three consecutive school years and who is under a contract of employment with the school district for the current school year, unless, on or before April 15, the governing board, a member of the board acting on behalf of the board or the superintendent of the school district gives notice to the teacher of the board's intention not to offer a teaching contract, unless such teacher has been dismissed pursuant to section 15-538, 15-539, 15-541 or 15-544. The teacher's acceptance of the contract for the ensuing year must be indicated within thirty days from the date of the written contract or the offer is revoked. The teacher accepts the contract by signing the contract and returning it to the governing board or by making a written instrument which accepts the terms of the contract and delivering it to the governing board. If the written instrument includes terms in addition to the terms of the contract offered by the board, the teacher fails to accept the contract.

B. Notice of the board's intention not to reemploy the teacher shall be by delivering it personally to the teacher or by sending it by registered or certified mail bearing a postmark of

ARIZONA STATE BOARD OF EDUCATION
CONDITIONAL REQUEST FOR EARLY RELEASE OF CERTIFICATE

District Name:	
Applicant's Name:	Social Security Number - -

I verify that our district has a critical need to employ the above applicant, whose fingerprints for purposes of certification have not returned from the FBI. I also verify that I have completed the following steps, required by law prior to requesting early release of a certificate:

- **Requested the Department of Public Safety to complete a statewide criminal history check on the applicant.**
- **Completed a search of criminal records in all local jurisdictions outside of Arizona where the applicant has resided in the previous five years.**
- **Obtained 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.**
- **Agreed to supervise the applicant closely until fingerprint clearance has been received.**

I also verify there is no evidence that the applicant was ever arrested for any of the following crimes: sexual abuse of a minor, incest, murder, kidnapping, arson, sexual assault, sexual exploitation of a minor, felony contributing to the delinquency of a minor, offenses involving possession or use of marijuana, dangerous drugs, or narcotic drugs, burglary, robbery, dangerous crime against children (ARS § 13-604.01), child abuse, sexual conduct with a minor, molestation of a child, manslaughter, or assault.

_____
Signature of the Superintendent

Submit this form by mail to the Certification Unit, P.O. Box 6490, Phoenix, AZ 85005-6490, or by fax to the Certification Unit, (602) 542-1141.