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TO: JOINT LEGISLATIVE AUDIT COMMITTEE
Senator Robert Blendu, Chairman
Representative John Nelson, Vice-Chairman

DATE: November 27, 2007

SUBJECT: Sunset Review of the Arizona Board of Fingerprinting

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Attached is the final report of the sunset review of the Arizona Board of Fingerprinting, which was conducted by the Senate Public Safety and Human Services and the House of Representatives Natural Resources and Public Safety Committee of Reference.

The Committee of Reference recommends that the Arizona Board of Fingerprinting be continued for five years and that the next audit of the Arizona Board of Fingerprinting include an analysis of the criteria used to grant or deny waivers and whether the process is actually screening out inappropriate people, including a comparison of the group given waivers with a control group that received jobs but did not require waivers.

This report has been distributed to the following individuals and agencies:

Governor of the State of Arizona
The Honorable Janet Napolitano

President of the Senate
Senator Timothy S. Bee

Speaker of the House of Representatives
Representative James P. Weiers

Senate Members
Senator Linda Gray, Cochair
Senator Chuck Gray
Senator Jack W. Harper
Senator Leah Landrum Taylor
Senator Victor Soltero

House Members
Representative Judy M. Burges, Cochair
Representative John Kavanagh
Representative Barbara McGuire
Representative Lynne Pancrazi
Representative Jerry Weiers

Arizona Board of Fingerprinting
Office of the Auditor General
Arizona State Library, Archives & Public Records

Senate Majority Staff
Senate Research Staff
Senate Minority Staff
Senate Resource Center

House Majority Staff
House Research Staff
House Minority Staff
Chief Clerk

AO/jas
Attachments

Senate Public Safety and Human Services and House of Representatives Natural Resources and Public Safety Committee of Reference Report

ARIZONA BOARD OF FINGERPRINTING

Background

Pursuant to A.R.S. § 41-2953, the Joint Legislative Audit Committee (JLAC) assigned the sunset review of the Arizona Board of Fingerprinting (Board) to the Committee of Reference comprised of members of the Senate Public Safety and Human Services Committee and the House of Representatives Natural Resources and Public Safety Committee.

Created by the Legislature in 1999, the Board considers applications for good cause exceptions from people who have been denied a fingerprint clearance card (card) by the Department of Public Safety (DPS). Arizona statutes require a fingerprint clearance card for several types of professional licensure, certification and state jobs. Jobs that require a card are primarily those that involve working with children or vulnerable adults. DPS must deny a card if an applicant is subject to registration as a sex offender, has been convicted of or is awaiting trial for certain crimes named in statute, or if it cannot determine the outcome of an arrest for these crimes within 30 business days of receiving the criminal records. The Board's ability to grant a good cause exception is designed to resolve those cases whose outcome could not be determined by DPS and to allow convicted people to demonstrate that they have been successfully rehabilitated.

Before the creation of the Board and the fingerprint clearance card, five agencies whose heads now appoint members of the Board were responsible for decisions about the criminal records of the people they licensed, certified or employed to work with children and vulnerable adults. Not only could duplicate efforts occur, but there was no assurance that the same standards were applied across the five agencies. These agencies are the departments of Economic Security, Education, Health Services and Juvenile Corrections, and the Supreme Court.

The Board initially considers applications in a step called "expedited review" when it determines whether to grant a good cause exception immediately or to refer the case to a hearing. If more information is needed to make a decision, the application for a good cause exception proceeds to a hearing, which is generally conducted by the Board's Executive Director. In some cases, the Executive Director makes the final decision; in others, the Board receives the findings and recommendations from the hearing and makes the final decision. According to the Board's database, the Board closed 1,769 appeals in FY 2005-2006, granting good cause exceptions in 1,148 instances.

The Board has five full-time staff: the Executive Director, a hearing officer, an investigator and two administrative assistants. The Board's revenues come from a $3.00 fee charged to all card applicants, established in FY 2003-2004. At the end of FY 2005-2006, the Board had a fund balance of $561,647.

Committee of Reference Sunset Review Procedures

The Committee of Reference held one public meeting on October 3, 2007, to review the sunset audit prepared by the Office of the Auditor General (OAG) and to receive public testimony. The

Committee of Reference received testimony from the OAG and Dennis Seavers, Executive Director of the Board.

The presentation summarized the OAG's findings and recommendations as follows:

Finding I: Although the Board is taking steps to help manage its hearings workload, further action is needed to ensure timely decisions on applications for fingerprint clearance card good cause exceptions.

Recommendations:

1. The Board should continue to monitor the timeliness of its decisions, but if timeliness continues to be a problem the Board should consider changes to improve its ability to use the Office of Administrative Hearings (OAH) as a back-up alternative for hearing cases.
2. The Board should modify its database to include more information, such as the dates of rescheduled hearings, whether the case was heard by OAH or by the Executive Director and the length of time between the hearing and the recommendation going to the Board.
3. The Board should expand its oversight of program operations by requiring staff to provide it with regular reports that show how long beyond 60 days cases have been waiting for a decision.
4. The Legislature should consider establishing statutory time frames for the Board's decisions.

Finding II: The Board needs to improve management and oversight of its decisions.

Recommendations:

1. The Board should implement management controls to prevent cards from being issued without its final review, including:
   a. Producing regular reports on case status.
   b. Conducting regular reconciliations with DPS to verify that applicants have been appropriately approved or denied a card.
2. The Board should continue to keep records of the meetings in which it determines good cause exceptions.

Finding III: The Board has inappropriately decided some cases and has also inappropriately requested certain information for possible consideration in reaching its decisions.

Recommendations:

1. The Board needs to ensure that it follows statute when granting or denying good cause exceptions.
2. The Board should modify the form completed by all applicants as follows:
   a. Ask for information regarding professional license suspension or revocation and contact with Child Protective Services (CPS) only from applicants who have been convicted of a precluding offense.
   b. Ask for this information only when it relates to the type of offense for which the applicant was convicted.
   c. Ask about substantiated CPS reports, not all CPS contact.

Committee Recommendations

The Committee of Reference recommends the following:

1. That the Arizona Board of Fingerprinting be continued for five years.
2. That the next audit of the Arizona Board of Fingerprinting include an analysis of the criteria used to grant or deny waivers and whether the process is actually screening out inappropriate people, including a comparison of the group given waivers with a control group that received jobs but did not require waivers.

Attachments

1. Meeting Notice
2. Minutes of Committee of Reference Meeting
3. Board Response to the Required Agency Factors and Additional Questions
4. 2006 Annual Report of the Arizona Board of Fingerprinting

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Interim agendas can be obtained via the Internet at http://www.azleg.state.az.us/InterimCommittees.asp

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE
OPEN TO THE PUBLIC

SENATE PUBLIC SAFETY AND HUMAN SERVICES AND HOUSE NATURAL RESOURCES AND PUBLIC SAFETY COMMITTEE OF REFERENCE

Date: **Wednesday, October 3, 2007**

Time: **2:00 P.M.**

→ **Place:** **SHR 109 (Note Room Change)**

AGENDA

1. Call to order
2. Opening Remarks
3. Arizona Board of Fingerprinting Sunset Audit
   - Presentation by the Office of the Auditor General
   - Response by the Board of Fingerprinting
   - Public Testimony
   - Discussion and Recommendation by the Committee of Reference
4. Adjourn

Members:

Senator Linda Gray, Co-Chair
Senator Chuck Gray
Senator Jack Harper
Senator Leah Landrum Taylor
Senator Victor Soltero

Representative Judy Burges, Co-Chair
Representative John Kavanagh
Representative Barbra McGuire
Representative Lynne Pancrazi
Representative Jerry Weiers

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Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602)926-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.

ARIZONA STATE LEGISLATURE
Forty-eighth Legislature – First Regular Session

SENATE PUBLIC SAFETY AND HUMAN SERVICES AND HOUSE NATURAL RESOURCES AND PUBLIC SAFETY COMMITTEE OF REFERENCE

Minutes of Meeting
Wednesday, October 3, 2007
Senate Hearing Room 109 – 2:00 p.m.

Co-Chair Senator Linda Gray called the meeting to order at 2:02 p.m. and attendance was noted by the secretary.

Members Present

Senator Jack Harper
Senator Victor Soltero
Representative John Kavanagh
Representative Barbara McGuire
Representative Lynne Pancrazi
Representative Jerry Weiers
Senator Linda Gray, Co-Chair
Representative Judy Burges, Co-Chair

Members Absent

Senator Chuck Gray
Senator Leah Landrum Taylor

Auditor General Report on Board of Fingerprinting

Shan Hays, Performance Audit Manager, Auditor General's Office, gave a presentation on the Performance Audit and Sunset Review of the Arizona Board of Fingerprinting (Attachment 1).

Representative Kavanagh said he noticed that most of the auditing has to do with how the agency is complying with the law in terms of what they have to do and the timeliness in which they do it, which is good, so that people are not without jobs because of delays. He said he is also curious as to whether or not any part of the audit was done to ascertain if the actual decisions that are made concerning the granting of waivers are good decisions.

Ms. Hays stated they looked at the decisions in the context of whether or not the Board was considering the factors that are laid out in statute. Mr. Kavanagh asked if anyone had ever done a study to see if the criteria that is being applied is good criteria and therefore people are being protected. Ms. Hays stated she is not aware of studies of this type and that perhaps the Executive Director would be better able to answer that question.

Response by the Board of Fingerprinting

Dennis Seavers, Executive Director, Arizona Board of Fingerprinting, responded to Representative Kavanagh's question about the consistency of decisions for similarly situated individuals by saying that the closest thing they have is a performance measure to see whether there is a consistent approval rate. The issue that they are looking at is not whether the approval rate is high enough or low enough but whether it is consistent from year to year. He stated generally, it is; that it hovers around 83 percent; this year being about 87-90 percent.

Mr. Kavanagh commented he is glad they are looking at that, but the only thing that shows is consistency in either making mistakes or doing good. He commented this situation is much like a parole board and that feedback is necessary in order to know if the criteria upon which it is based is good or bad in order to make any necessary changes.

Mr. Seavers said that there is a certain oversight only in those cases where an individual is denied a waiver, and they are allowed an opportunity to request a review from the Board and later they can choose to go to superior court and request a review. Other than that, he said auditors did look at a sample of cases and only found two cases where the decisions were not appropriate.

Senator Linda Gray asked Mr. Seavers if he knew how many people who came before the Board for an exemption have come before the Board again for a violation that shows up under the clearance card. He said he does not have the number but could provide it. He said it is not a high number, probably under a hundred.

Representative Pancrazi asked if teachers have to go through this entire process every six years. Mr. Seavers stated it is required for most individuals in the fingerprint system to have their card renewed every six years. If a person is arrested in Arizona for an offense their card would be suspended, but if they were arrested in another state, it would not be. So every six years there is a check that there is nothing new on the record. There is a good cause exception to this rule determined by the Department of Public Safety by looking at the history of the applicant. He stated Senator Chuck Gray has introduced a new system to allow teachers to do one-time fingerprinting and not have to go through the procedures over and over again.

Mr. Weiers asked about the Board's authority. Mr. Seavers said that according to a recent court decision, the Board can delegate their authority to a hearing officer. Mr. Weiers asked why not have the hearing officer make a recommendation to the Board and the Board make the decision. Senator Gray commented that it is because the statute uses the word "or." Mr. Weiers commented that this, then, is something the Legislature can change.

Mr. Seavers continued with his presentation and referred to a memorandum given to the Auditor General's Office by the Board of Fingerprinting (Attachment 2) and stated they took to heart the recommendations the Auditor General made and tried to implement them as expeditiously as possible.

He said he knows one of the issues this Committee is considering is what would be the negative impact of eliminating the Board of Fingerprinting and offered several possibilities. One would be to return the good cause process to the agencies. The problem that would then exist would be similar to the problem that existed many years ago when each agency might have its own standards to determine if a person should be given good cause. It also would impact the caseloads and the work of those agencies who would not want to have the good cause process revolve back to them. The other way would be to eliminate a good cause process. Mr. Seaves commented that, unfortunately, this would mean that hundreds and thousands of individuals, who otherwise would be eligible to work in human service and related activities, would not be able to work, although this probably would have a positive long-term effect in terms of public safety.

Mr. Seavers stated many of the providers, especially in rural areas, have indicated that they have an extremely high turnover and not having some kind of a good cause process would effect their ability to recruit individuals. He said he would also note that these are individuals who had criminal offenses decades ago and nothing since. He stated the Board would ask that this Committee continue the agency, considering not only the progress that has been made with the Auditor General's recommendations but also the importance of the work that the Board does.

Representative Burges stated she is concerned with consistency in that individual hearing officers can make individual decisions as to issuing a card but with the Board it takes five individuals, all voting yes. Mr Seavers said this is something the Board discussed at a recent meeting and something with which they are concerned. If one person is making the decision it is not the level of scrutiny as when five members are making it. She said it seems almost easier to get through the process. Mr. Seavers commented the Board has discussed other options. One is to keep the review process and have the hearing officers conduct the initial hearing. He stated the process in which the Board seems most interested is returning to the Board making the final decision and the hearing officer making a recommendation. Mr. Seavers said it would take legislation to make this option happen.

Mr. Seavers stated that in terms of timeliness it is a much better process. But there is definitely a policy concern about the propriety of the hearing officer making the final decision.

Senator Linda Gray asked how much of a delay a process of this type would cause the employee. Mr. Seavers said it would make the process a bit longer from what it is currently; it could be a 40-day wait. Senator Gray commented that for a teacher to wait 40 days is a long time. She asked who hires the hearing officers. Mr. Seavers stated that the Board hires them and there are two hearing officers. He stated that according to present statute, the decision of the five Board members has to be unanimous which is very common.

Representative Kavanagh commented that all employees working in this area really need to have behavior that is above reproach and asked if there are rules or guidelines that have been issued about this. Mr. Seavers said they have not, but he can bring this to the Board for possible action to be taken.

Mr. Weiers asked if there is a requirement that the Board, the director, or the hearing officers have fingerprint checks. Mr. Seavers said there is not; that he relies on information that is publicly available. It was commented that some already would have had this done if they are coming from other agencies requiring it. Mr. Seavers said there would have to be legislation to make fingerprinting a requirement in this case.

Senator Linda Gray asked if Mr. Seavers and the staff all received performance pay. Mr. Seavers responded that they did. Senator Gray commented that it says in the auditor's report that it took longer for people to receive a decision in 2006 than in 2005 and asked him if that fact was considered in ascertaining whether they should receive performance pay. Mr. Seavers explained why it was not possible to keep up with cases in 2006 and stated that currently that issue has been corrected. He further explained that the process has become remarkably faster as to where it was last year. Senator Gray asked about the new plan that was submitted so that performance pay could be made. She asked him to explain why the standards were lessened and why, despite a letter of reprimand, the performance pay was allowed. Mr. Seavers explained why the new plan was adopted. Senator Gray asked about the performance targets and results since April. Mr. Seavers made available to the Committee information on performance targets and results for May 2007 through September 2007 (Attachment 3).

In answering Representative Pancrazi's question, Mr. Seavers said there is some discussion as to whether or not classified or non-certified personnel in a school district are required to have a fingerprint clearance card or whether they just need current fingerprinting. He said there seems to be some conflict in the statute and that it would involve a substantial increase in the caseload, perhaps 100 percent, to require the fingerprint card. He said his understanding is that the Department of Public Safety is working with Senator Chuck Gray to develop legislation to repeal that requirement. He said these individuals should probably be fingerprinted but probably not require a card.

Debbie Davenport, Auditor General, answered questions about the cost of the audit. She said this particular audit so far only focuses on whether or not the screening process that is required is being done efficiently, and nobody apparently has any idea if the screening process actually works and screens out the people that need to be screened out.

Ms. Davenport stated that the scope of the audit Representative Kavanagh is recommending is a much bigger audit and would take more resources from their office. If this Board is continued for less than ten years, it would be up to the Joint Legislative Audit Committee to determine if the Board would be looked at by the Auditor General's office or just come up before the Committee of Reference without a review of her office.

Senator Soltero moved that the Senate Public Safety and Human Services and House Natural Resources and Public Safety Committee of Reference recommend that the Legislature continue the Board of Fingerprinting for five years. The motion carried by a roll call vote of 7-0-0-3 (Attachment 4).

Representative Kavanagh moved the recommendation that the next audit of the Arizona Board of Fingerprinting include an analysis to see if the criteria that is being used to either

grant or deny waivers is actually screening out people inappropriate for these jobs based on their either having been fired, arrested, or involved in negligent or criminal acts, and comparing that group with a comparable group that received jobs but did not require a waiver. The motion carried by a roll call vote of 4-2-0-4 (Attachment 5).

Without objection, the meeting adjourned at 3:05 p.m.

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Patricia Hudock, Committee Secretary
October 3, 2007

(Original minutes, attachments and audio on file in the Office of the Chief Clerk; video archives available at http://www.azleg.gov/)

Arizona Board of Fingerprinting

Agency Response to Committee of Reference Factors

1. Describe the role and function of the agency, including major activities or projects, accomplishments, and obstacles to success.

Role and function

The Arizona Board of Fingerprinting (the "Board"), along with the Department of Public Safety ("DPS"), provides a supportive role for other state agencies. DPS and the Board together administer the fingerprint-clearance-card system, which other agencies rely on for their regulatory work. The fingerprint clearance card serves as a condition of licensure or employment for a wide variety of regulated activities. A full list of these activities, including activities that were added in the most recent legislative session but may not yet be effective, appears in Appendix 1.

The Board's role is to consider appeals from individuals whose fingerprint clearance card has been denied or suspended by DPS. The Board determines whether individuals who have certain criminal-history profiles have successfully demonstrated rehabilitation and that they are not recidivists. To determine whether an applicant is rehabilitated, the Board uses the following statutory criteria.

1. The extent of the person's criminal record;
2. The length of time that has elapsed 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:
    a. Completion of probation, parole, or community supervision;
    b. Whether the person paid restitution or other compensation for the offense;
    c. Evidence of positive action to change criminal behavior, such as completion of a drug-treatment program or counseling;
    d. Personal references attesting to the person's rehabilitation.

The Board has a two-step process for evaluating cases. In the first step, after receiving a complete application package, the Board conducts an expedited review. An expedited review is an evaluation of a person's application without the person being present. The Board either grants a good cause exception (which allows the applicant to receive a fingerprint clearance card) or refers the applicant to an administrative hearing. The hearing is typically conducted by a hearing officer, although the Board itself may conduct the hearing. After the hearing, the application is either granted or denied. The applicant may request a rehearing or review, or the applicant may request judicial review in superior court.

Major activities and accomplishments

The Board was established in 1998 and began operations in 1999. Originally envisioned as a small agency, including a staff that consisted only of an executive director, the Board has grown significantly, relative to its original size. For example, in FY 2000, the Board received 632 requests for a good cause exception; in FY 2007, the Board received 3,236 requests. Over the past decade, the Board has responded, with varying degrees of success (see "Obstacles to success" below), to the increasing demand for fingerprinting services in Arizona.

In 2003, after experiencing an enormous backlog that persisted for multiple years (see "Obstacles to success below), the Board sought numerous legislative changes that essentially recreated the Board. In particular, the legislation allowed the Board to shift from a legislatively appropriated funding source to a fee-based fund. This change in funding structure allowed the Board to hire additional staff members. Also, the legislation exempted the Board from Article 10 of the Uniform Administrative Procedures Act and empowered the Board to employ a hearing officer for expedited reviews and hearings. The Board itself had previously conducted hearings, but Board members were unable to meet often enough to keep up with the caseload of hearings. Employing a hearing officer would allow the Board to hold a sufficient number of hearings to keep up with the caseload. By Fall 2003, the backlog had been essentially eliminated.

Also in 2003, the Board enacted its own policy and legislative initiatives. The Board substantially revised its rules, both to reflect its new processes and to address deficiencies in the previously existing rules. The Board adopted new policies, especially for the expedited-review process. Under these new policies, the Board staff would prepare summaries of cases for Board review, rather than have Board members individually review hundreds of files each week. By relying increasingly on its staff, the Board was able to make significant reductions in its processing times.

In 2006 and 2007, the Board took additional steps to address a minor backlog that arose in 2006. The Board established a new hearing-officer position in August 2006. The Board also worked with the Legislature to create appropriate time frames to govern the Board's application process. To comply with those time frames, the Board created two new positions—an additional investigator and an additional hearing officer. The growth of an agency is not necessarily a positive step. But, in this case, the Board's growth has been necessary to meet the increased demand for fingerprinting and regulation in Arizona.

Obstacles to success

For several years after its creation, the Board was plagued by a substantial backlog of cases. In 2002, the wait for an administrative hearing was longer than two years. The crisis created by the backlog was substantial enough that member agencies, the Governor's Office, and the Legislature were giving serious thought to eliminating the Board.

There were various factors that contributed to the backlog. Primarily, the Board did not meet often enough to conduct a sufficient number of hearings. In order to keep up with the caseload of hearings, the Board needed to meet weekly. Instead, the Board was meeting about once a

month. Board members are employees of their respective agencies, and it would have been a significant burden on those agencies to have Board members meet often enough to keep up with the caseload. For example, the Board members representing the Department of Education traditionally has been the chief investigator for the State Board of Education. If the Board were to meet often enough to keep up with its caseload of hearings, the State Board of Education's chief investigator would have spent two full days each week—one day for hearings and one day for expedited reviews—at the Board of Fingerprinting. Member agencies were not able to sacrifice employees to the Board of Fingerprinting for the amount of time necessary to keep up with the Board's caseload.

In addition to limitations on the availability of Board members, Board operations were also negatively affected by financial limitations. The Board received less than $100,000 annually in legislative appropriations. This level of funding allowed the Board to hire two employees—an executive director and an administrative assistant. These staff members were considered DPS employees, even though the Board was a separate agency and salaries were drawn from the Board's funding. In addition to legislative appropriations, DPS provided supplementary funding from its own resources.

Following the elimination of its pre-2003 backlog, the Board experienced another backlog in 2006, although this backlog was minor in comparison to the pre-2003 backlog. Through its performance measures and management reports, the Board recognized that a backlog was arising. At that time, the Board relied heavily on its executive director to conduct hearings. However, the increasing demands of administration on the executive director prevented him from keeping up with the hearing caseload. The Board established a new position for a full-time hearing officer to cope with the increase in caseload.

A final obstacle to success is the difficulty of accommodating certain additions of programs to the fingerprint-clearance-card system. As a recent example, the Legislature, through an amendment introduced by Chuck Gray to this year's education omnibus reconciliation bill ("ORB"), may have added non-certified school-district personnel (sometimes called "classified personnel"), including janitors or administrative assistants, to the fingerprint-clearance-card system. Previously, classified personnel underwent fingerprinting, but this fingerprint-based background check was different from the fingerprint-clearance-card system. Under a newly added statute that will require DPS to create an identity-verified fingerprint clearance card, the ORB listed classified personnel among those who must receive a fingerprint clearance card. However, the ORB did not amend the statute that regulated classified personnel. This latter statute continues to require classified personnel to be fingerprinted under the previous system, which is not a part of the fingerprint-clearance-card system. The Department of Education currently is consulting with the Attorney General's Office to determine how to resolve these conflicting statutes. However, if the Department of Education concludes that classified personnel are required to have a fingerprint clearance card, there would be about 75,000 new applicants for a fingerprint clearance card. The Board would expect to see about 3,000 new applications, which is an over 100% increase in its current caseload. The increase would be especially problematic because Senator Chuck has suggested that the requirement for a fingerprint clearance card was unintended, so the Board would need to expand to accommodate a one-year doubling of its caseload.

2. Provide financial data, such as the number of full-time employees, expenditures and revenues, and fee structure, if applicable.

Full-time equivalencies

The Board staff includes seven full-time equivalencies ("FTE"s), as described below.

1. Executive director (one FTE);
2. Hearing officer (two FTEs, including one recently established FTE);
3. Investigator (two FTEs, including one recently established FTE);
4. Administrative Assistant (two FTEs).

Expenditures and revenues

A summary of the Board's expenditures and revenues appears in the table below. Detailed information appears in Appendix 2 to this response.

	FY 2007 Actual	FY 2008 Estimate
Beginning balance	$ 561,646.52	$ 470,231.64
Revenues	$ 242,449.00	$ 302,589.00
Expenditures	$ 333,863.88	$ 566,741.13
Ending balance	$ 470,231.64	$ 206,079.51

Fee structure

The Board's funding comes solely from fee-based revenues. The Board receives $3.00 from each application for a fingerprint clearance card. The $3.00 fee is a portion of the total fee (currently $52.00) for a fingerprint clearance card. Funding for the Board is not legislatively appropriated and is non-lapsing.

3. Identify the problem or needs that the agency is intended to address.

The Board determines whether applicants who have certain criminal profiles are rehabilitated and are not recidivists and thus are eligible to be granted fingerprint clearance. The Board ensures that individuals with criminal histories are not likely to pose threats to vulnerable citizens.

4. State, to the extent practicable, in quantitative and qualitative terms, the objectives of the agency and its anticipated accomplishments.

The Board's mission is to fairly, expeditiously, and responsibly determine good cause exceptions for applicants who have been denied a fingerprint clearance card. The Board has adopted three goals to help fulfill its mission.

- **Goal 1.** To make fair and consistent determinations on good-cause-exception applications.
- **Goal 2.** To provide applicants with timely decisions on their good-cause-exception applications.
- **Goal 3.** To develop fair and comprehensible rules, policies, and procedures for determining good cause exceptions.

The Board measures its progress toward these goals with a series of performance measures. Detailed information about the Board's performance measures, including statistical information, appears in Appendix 3 to this response.

5. Identify any other agencies having similar, conflicting, or duplicative objectives, and explain the manner in which the agency avoids duplication or conflict with other such agencies.

Several state agencies have a process for determining whether applicants should be granted licenses or certificates even though the applicants have a criminal history. For example, the Arizona Board of Nursing conducts fingerprint-based criminal checks as part of its application process, and the Board of Nursing assesses whether the criminal history warrants adverse action on the application for a license or certificate.

The Board provides a unique service that is not duplicated with other agencies. No other agencies determine whether applicants have established good cause to be given a fingerprint clearance card. However, there is some overlap in fingerprinting requirements between agencies inside and outside of the fingerprint-clearance-card process. These fingerprinting requirements are not established by the Board's statutes and are not required by the Board itself, but this overlap is described below for informational purposes.

- The Board of Behavioral Health Examiners ("BBHE") requires its applicants to submit to the BBHE fingerprint-clearance check, which is separate from the fingerprinting-clearance-card check. But BBHE applicants can submit proof that they hold a valid fingerprint clearance card in lieu of submitting to the BBHE fingerprint-clearance check.

- Individuals who provide direct care in residential- or nursing-care institutions or home-health agencies must have a fingerprint clearance card. Some of these individuals may be certified nursing assistants or other nursing professionals whose professional certificates or licenses are regulated by the Board of Nursing, which has its own requirements for fingerprint-based criminal clearance. In addition, nursing schools generally require their students to have a fingerprint clearance card as a condition for being accepted into the nursing program or continuing in the program. Nursing schools developed this requirement because students must complete clinical work in settings that require fingerprint clearance cards. However, this requirement does not stem from a policy of the Board of Nursing.

6. Assess the consequences of eliminating the agency or of consolidating it with another agency.

There would be a significant endangerment to public safety if the process of conducting fingerprint-based background checks were eliminated. The fingerprint-clearance-card process exists to protect citizens from individuals with lengthy and serious criminal backgrounds. Significantly, the citizens the process protects are among society's most vulnerable: children, the elderly, individuals with developmental disabilities, and juveniles with behavioral problems. These citizens are especially susceptible to becoming victims of criminal offenses. Some kind of fingerprint-based clearance process is vital to public safety. Without a criminal-history clearance process, murderers, rapists, perpetrators of fraud and theft, child abusers, sex offenders, arsonists, drug abusers and dealers, and other criminals might be able to be teachers, foster parents, Child Protective Services employees, day-care providers, therapists for at-risk youth, providers for individuals with developmental disabilities, and child-care-home providers, among other professions.

To assess the impact the Board's elimination would have on public safety, it is helpful to consider two alternatives to the Board's existence. One option would be to return the process of making good-cause-exception determinations to the various state agencies involved in the fingerprint clearance card process. However, doing so would create duplicative functions among state agencies. Certain private agencies that provide human services receive funding from multiple state agencies. In order for an individual with a criminal background to work at that private agency, the individual would need to receive clearance from all of the state agencies that provide funding. For instance, to provide behavioral health services to at-risk youths, an individual may have to receive clearance from *all* of the following agencies: the Administrative Office of the Courts and the Departments of Economic Security, Health Services, and Juvenile Corrections.

Another option would be to eliminate the Board's good cause exception process but not the fingerprint-based clearance process. Under this option, individuals who are denied a fingerprint clearance card (or who have the card suspended) would be precluded absolutely from providing direct care to vulnerable citizens. However, there is a high rate of turnover among human-service providers, and there are shortages in the industries that fall under the fingerprint-clearance-card system. Even now, care providers have difficulty recruiting and retaining employees. This option would substantially diminish the providers' ability to maintain adequate staffs, and in some cases, particularly in rural areas, may prevent the providers from being to deliver services. This diminishment would affect public health, particularly in the cases of human service and health care providers, even if the absolute preclusion of individuals with relevant criminal histories increased public safety on a short-term basis.

Arizona Board of Fingerprinting

Budget v. Actual

Fiscal Year 2007

	TOTAL			
	Jul '06 - Jun 07	Budget	$ Over Budget	% of Budget
Income				
4900 - Transfers In				
4901 - Operating Transfers In	242,449.00	360,000.00	-117,551.00	67.35%
Total 4900 - Transfers In	242,449.00	360,000.00	-117,551.00	67.35%
FY06 Carryover	561,646.52	561,750.30	-103.78	99.98%
Total Income	804,095.52	921,750.30	-117,654.78	87.24%
Expense				
6000 - Personal Services				
6010 - Basic Compensation				
6011 - Regular Base Salary	154,420.98	179,321.77	-24,900.79	86.11%
Total 6010 - Basic Compensation	154,420.98	179,321.77	-24,900.79	86.11%
6030 - Exception Compensation				
6028 - 2.5% Performance Pay	4,163.31	4,483.04	-319.73	92.87%
6031 - Overtime	30.11			
Total 6030 - Exception Compensation	4,193.42	4,483.04	-289.62	93.54%
6040 - Leave Compensation				
6041 - Annual Leave	7,271.29			
6042 - Sick Leave	4,227.96			
6047 - Annual Leave Payout	754.68			
6048 - Holiday Leave Taken	6,936.04			
6049 - Other Compensated Leave	131.40			
Total 6040 - Leave Compensation	19,321.37			
Total 6000 - Personal Services	177,935.77	183,804.81	-5,869.04	96.81%
6100 - ERE				
6110 - Insurance				
6111 - FICA	13,443.11	13,449.14	-6.03	99.96%
6113 - Medical Insurance	13,033.98	37,413.00	-24,379.02	34.84%
6114 - Basic Life	163.56	166.38	-2.82	98.31%
6116 - Long-term Disability	886.01	896.60	-10.59	98.82%
6117 - Unemployment Insurance	266.57	268.98	-2.41	99.1%
6118 - Dental Insurance	1,126.21	1,730.43	-604.22	65.08%
6119 - Worker's Compensation	885.98	896.60	-10.62	98.82%
Total 6110 - Insurance	29,805.42	54,821.13	-25,015.71	54.37%
6150 - Retirement Plan Payments				
6155 - ASRS	15,130.65	15,421.67	-291.02	98.11%
Total 6150 - Retirement Plan Payments	15,130.65	15,421.67	-291.02	98.11%

Arizona Board of Fingerprinting

Budget v. Actual

Fiscal Year 2007

	TOTAL			
	Jul '06 - Jun 07	Budget	$ Over Budget	% of Budget
6180 - Other ERE				
6183 - Personal Services	1,857.61	1,793.22	64.39	103.59%
6185 - GITA Charge	259.65	268.98	-9.33	96.53%
6186 - Atty. Gen. Pro Rate Chg.	1,129.86	1,138.69	-8.83	99.23%
6189 - Sick Leave Accumulation	711.68	717.29	-5.61	99.22%
Total 6180 - Other ERE	3,958.80	3,918.18	40.62	101.04%
Total 6100 - ERE	48,894.87	74,160.98	-25,266.11	65.93%
6200 - Prof. & Outside Services				
6210 - Financial Services				
6211 - Bond Issuance Cost	1,375.00	1,375.00	0.00	100.0%
Total 6210 - Financial Services	1,375.00	1,375.00	0.00	100.0%
6270 - Education & Training				
6271 - Education & Training	32.00	32.00	0.00	100.0%
Total 6270 - Education & Training	32.00	32.00	0.00	100.0%
6290 - Other Prof. & Out. Svcs.				
6299 - Other Prof. & Out. Svcs.	3,182.50	15,000.00	-11,817.50	21.22%
Total 6290 - Other Prof. & Out. Svcs.	3,182.50	15,000.00	-11,817.50	21.22%
Total 6200 - Prof. & Outside Services	4,589.50	16,407.00	-11,817.50	27.97%
7000 - Other Operating				
7150 - IT Services				
7153 - Internal Svc. Data Proc.	5,991.03	6,400.00	-408.97	93.61%
7172 - External Comm. Long Dist	9,145.95	5,000.00	4,145.95	182.92%
7179 - Other External Comm.	2,605.81	4,000.00	-1,394.19	65.15%
Total 7150 - IT Services	17,742.79	15,400.00	2,342.79	115.21%
7200 - Rental Expenditures				
7221 - Rental of Land & Bldgs.	16,548.02	39,030.04	-22,482.02	42.4%
7229 - Miscellaneous Rent	1,030.11	200.00	830.11	515.06%
Total 7200 - Rental Expenditures	17,578.13	39,230.04	-21,651.91	44.81%
7250 - Repair & Maintenance				
7266 - Repair/Maint-Other Equip	263.59	360.00	-96.41	73.22%
7269 - Repair & Maint (Other)	5,452.71			
Total 7250 - Repair & Maintenance	5,716.30	360.00	5,356.30	1,587.86%
7300 - Operating Supplies				
7321 - Office Supplies	11,832.50	6,000.00	5,832.50	197.21%

Arizona Board of Fingerprinting

Budget v. Actual

Fiscal Year 2007

	TOTAL			
	Jul '06 - Jun 07	Budget	$ Over Budget	% of Budget
Total 7300 - Operating Supplies	11,832.50	6,000.00	5,832.50	197.21%
7450 - Conf, Edu, & Traning				
7455 - Conf, Edu, & Train Regis	890.25			
Total 7450 - Conf, Edu, & Traning	890.25			
7470 - Printing & Photography				
7471 - Internal Printing	168.78			
Total 7470 - Printing & Photography	168.78			
7480 - Postage & Delivery				
7481 - Postage & Delivery	10,950.94	10,000.00	950.94	109.51%
Total 7480 - Postage & Delivery	10,950.94	10,000.00	950.94	109.51%
7500 - Miscellaneous Operating				
7511 - Awards	201.61			
7541 - Books, Subscr., & Pubs.	3,403.10	1,200.00	2,203.10	283.59%
Total 7500 - Miscellaneous Operating	3,604.71	1,200.00	2,404.71	300.39%
Total 7000 - Other Operating	68,484.40	72,190.04	-3,705.64	94.87%
8500 - Non-capital Equipment				
8520 - Furniture Non-cap				
8521 - Furniture Non-capital	10,226.47			
Total 8520 - Furniture Non-cap	10,226.47			
8550 - EDP Equip PC/LAN Non-cap				
8551 - EDP Equip. Non-cap Purch	14,439.93	2,500.00	11,939.93	577.6%
Total 8550 - EDP Equip PC/LAN Non-cap	14,439.93	2,500.00	11,939.93	577.6%
8570 - Other Equip. - Non-cap.				
8571 - Other Equip. - Non-cap.	805.25			
Total 8570 - Other Equip. - Non-cap.	805.25			
8580 - Non-capitalized Software				
8583 - PC/LAN Software Non-cap.	4,579.50	1,600.00	2,979.50	286.22%
Total 8580 - Non-capitalized Software	4,579.50	1,600.00	2,979.50	286.22%
Total 8500 - Non-capital Equipment	30,051.15	4,100.00	25,951.15	732.96%
9100 - Transfers out				
9101 - Operating Transfers Out	3,908.19	29,004.00	-25,095.81	13.48%
Total 9100 - Transfers out	3,908.19	29,004.00	-25,095.81	13.48%

Arizona Board of Fingerprinting

Budget v. Actual

Fiscal Year 2007

	TOTAL			
	Jul '06 - Jun 07	Budget	$ Over Budget	% of Budget
Total Expense	333,863.88	379,666.83	-45,802.95	87.94%
Net Income	470,231.64	542,083.47	-71,851.83	86.75%

Arizona Board of Fingerprinting
Fiscal Year 2008 Budget

	Jul '08 - Jun 09
Income	
4900 - Transfers In	
4901 - Operating Transfers In	302,589.00
Total 4900 - Transfers In	302,589.00
FY07 Carryover	470,231.64
Total Income	772,820.64
Expense	
6000 - Personal Services	279,611.58
6100 - ERE	106,505.89
6200 - Prof. & Outside Services	
6210 - Financial Services	
6211 - Bond Issuance Cost	1,653.00
Total 6210 - Financial Services	1,653.00
6270 - Education & Training	
6271 - Education & Training	32.00
Total 6270 - Education & Training	32.00
6290 - Other Prof. & Out. Svcs.	
6299 - Other Prof. & Out. Svcs.	15,450.00
Total 6290 - Other Prof. & Out. Svcs.	15,450.00
Total 6200 - Prof. & Outside Services	17,135.00
7000 - Other Operating	
7150 - IT Services	
7153 - Internal Svc. Data Proc.	8,400.00
7172 - External Comm. Long Dist	10,800.00
7179 - Other External Comm.	3,100.00
Total 7150 - IT Services	22,300.00
7200 - Rental Expenditures	
7221 - Rental of Land & Bldgs.	60,004.66
7229 - Miscellaneous Rent	344.00
Total 7200 - Rental Expenditures	60,348.66
7250 - Repair & Maintenance	
7266 - Repair/Maint-Other Equip	1,240.00
7269 - Repair & Maint (Other)	6,000.00
Total 7250 - Repair & Maintenance	7,240.00
7300 - Operating Supplies	

Arizona Board of Fingerprinting
Fiscal Year 2008 Budget

	Jul '08 - Jun 09
7321 - Office Supplies	15,000.00
Total 7300 - Operating Supplies	15,000.00
7450 - Conf, Edu, & Training	
7455 - Conf, Edu, & Train Regis	1,400.00
Total 7450 - Conf, Edu, & Training	1,400.00
7470 - Printing & Photography	
7471- Internal Printing	400.00
Total 7470 - Printing & Photography	400.00
7480 - Postage & Delivery	
7481 - Postage & Delivery	15,000.00
Total 7480 - Postage & Delivery	15,000.00
7500 - Miscellaneous Operating	
7511 - Awards	500.00
7541 - Books, Subscr., & Pubs.	11,400.00
Total 7500 - Miscellaneous Operating	11,900.00
Total 7000 - Other Operating	133,588.66
8500 - Non-capital Equipment	
8520 - Furniture Non-cap	
8521 - Furniture Non-capital	15,000.00
Total 8520 - Furniture Non-cap	15,000.00
8550 - EDP Equip PC/LAN Non-cap	
8551 - EDP Equip. Non-cap Purch	11,500.00
Total 8550 - EDP Equip PC/LAN Non-cap	11,500.00
8580 - Non-capitalized Software	
8583 - PC/LAN Software Non-cap.	2,400.00
Total 8580 - Non-capitalized Software	2,400.00
Total 8500 - Non-capital Equipment	28,900.00
9100 - Transfers Out	
9101 - Operating Transfers Out	1,000.00
Total 9100 - Transfers Out	1,000.00
Total Expense	566,741.13
Net Income	**206,079.51**

Arizona Board of Fingerprinting

Strategic Plan

Goal 1. To make fair and consistent determinations on good-cause-exception applications.					
	FY 2007 Estimate	FY 2007 Actual	FY 2008 Estimate	FY 2009 Estimate	FY 2010 Estimate
Percent of investigator recommendations for expedited reviews accepted	98.00%	93.81%	93.00%	93.00%	93.00%
Percent of applications approved	65.29%	92.73%	80.00%	80.00%	80.00%
Percent of approvals by expedited review	70.00%	81.65%	75.00%	75.00%	75.00%
Percent of approvals by administrative hearing	30.00%	18.35%	25.00%	25.00%	25.00%

Goal 2. To provide applicants with timely decisions on their good-cause-exception applications.					
	FY 2007 Estimate	FY 2007 Actual	FY 2008 Estimate	FY 2009 Estimate	FY 2010 Estimate
Number of applications received	2,046	1,967	2,365	2,734	3,160
Number of applications disposed	2,046	1,627	2,365	2,734	3,160
Ratio of cases opened to cases closed	1:1	1:.83	1:1	1:1	1:1
Average number of days to dispose	70	115.84	63	55	50
Average number of days spent processing application	47	82.38	42	37	32
Average number of days spent processing application from receipt to expedited review	35	24.84	20	20	20
Percent of applications that undergo an expedited review within 20 days (processing time)	80.00%	39.66%	100.00%	100.00%	100.00%
Average days from expedited review to hearing	55	61.7	40	35	35
Percent of applications heard within 60 days of expedited review	60.00%	47.11%	100.00%	100.00%	100.00%

Percent of applications decided within 60 days of hearing	75.00%	17.33%	90.00%	90.00%	90.00%

Goal 3. To develop fair and comprehensible rules, policies, and procedures, for determining good cause exceptions.					
	FY 2007 Estimate	FY 2007 Actual	FY 2008 Estimate	FY 2009 Estimate	FY 2010 Estimate
Number of requests received	3,207	3,236	3,405	3,616	3,840
Ratio of requests for good cause exceptions to applications submitted	1:.65	1:.61	1:.70	1:.70	1:.70
Percent of applications complete on initial submission	45.00%	37.30%	45.00%	50.00%	55.00%

Arizona Board of Fingerprinting
2006 Report on Good Cause Exception Application Caseload and Approvals

SECTION ONE – INTRODUCTION AND METHODOLOGY

Arizona Session Laws 2005 (First Regular Session), Chapter 246, Section 5, established a reporting requirement for the Arizona Board of Fingerprinting ("Board"). Each year, on or before December 1, the Board is required to report the number of good cause exception applications received and granted between October 1 and September 30. The report must break these data down according to the programs listed in A.R.S. § 41–619.51(6). Each program listing must also include a list of the offenses in A.R.S. § 41–1758.03(B) and (C) for which an applicant submitted a good cause exception application and the Board granted a good cause exception.

The report that follows complies with the legislative requirements. However, the reader is strongly encouraged to read the methodology section below. Without reading this section, the reader might draw conclusions that are not warranted by the data.

Methodology

This report draws on two data sets: (1) good cause exception applications received between October 1, 2005, and September 30, 2006; and (2) good cause exceptions resolved between October 1, 2005, and September 30, 2006. These two sets of data are not coextensive, although there may be some overlap among the cases. Some of the applications received in the relevant time period may not have been concluded by September 30, 2006, and some of the applications concluded in the time period may have been received prior to October 1, 2005.

There are 22 statutory programs for which individuals need fingerprint clearance cards, as described in Table 1 on the next page.

Table 1
Statutory Programs Grouped by Types of Work

Program Group	Statutory Program	Agency *
Child day care or child nutrition	41–1964, 46–141	Econ. Sec.
	46–321	Education
	36–897.01, –897.03	Health Svcs.
	36–882, –883.02	Health Svcs.
Child care home provider	41–1967.01	Econ. Sec.
Child welfare and adolescent behavior health treatment	8–322	Supr. Crt.
	46–141	Econ. Sec.
	36–425.03	Health Svcs.
	41–2814	Juv. Corr.
Child Protective Services employment	8–802	Econ. Sec.
Individuals with developmental disabilities	36–594.01	Econ. Sec.
Domestic violence and homeless shelters	36–3008, 46–141	Econ. Sec.
Residential or nursing care institutions and home health agencies	36–411	Health Svcs.
Teacher certification	15–534	Education
Charter school employment	15–183	Education
JOBS/JTPA	46–141	Econ. Sec.
Exceptional Student Services	15–763.01	Econ. Sec.

* The state agency listed is the agency that provides funding or regulates the program. The Department of Education, as referred to here, includes the State Board of Education and the Board of Charter Schools.

When a person applies for a fingerprint clearance card, he or she normally applies under one or more of the programs listed in A.R.S. § 41–1758(5).[1] Since the person can apply for a fingerprint clearance card (and later, a good cause exception) under more than one program, separate listings under two programs may actually pertain to the same application. For example, John Smith might apply for a fingerprint clearance card under the programs for teacher certification and charter school employment. A.R.S. § 41–619.54(D) ("the reporting statute") requires the Board to list applications received and granted, broken down by the programs under which individuals applied for a good cause exception. In the case of John Smith's fingerprint clearance card application, this report would list him once under the program for teacher certification and once under the program for charter school employment. Readers should be aware that aggregating the totals under each program will not yield the total number of applications received. In the example of John Smith, aggregating the totals under each program would make it appear as though John Smith had two applications—one for teacher certification and one for charter school employment.

[1] This list of programs is identical to the list in A.R.S. § 41–619.51(6) and is represented in Table 1.

Table 2
Illustration of Applicants Selecting Multiple Programs for One Application

Applicant	Day Care	Teacher Certification	Charter School Employment	Total
John Smith	X	X		2
Jane Roberts		X	X	2
Jack Walters	X	X		2
Total	**2**	**3**	**1**	**6**

Table 2 above illustrates how a single application may appear under multiple programs. If the reader were to add up the total number of applications under each program, he or she would get a sum that is higher than the actual number of applications. In Table 2, adding up the total number of applications under each program would give a sum of six applications, when in fact there are only three applications. Readers should be cautious not to treat the totals under each program as totals of discrete applications.

The reporting statute requires the Board to provide data on the offenses for which there were good cause exception applications submitted and received. The term "offense," in the context of criminal law, entails a conviction. However, the denial or suspension of a fingerprint clearance card may be based on an arrest, which ultimately may not yield a conviction.[2] When the denial or suspension of a fingerprint clearance card is based on an arrest, the final disposition of the arrest may not be known. In many cases, documentary evidence is not available because of the length of time that has elapsed since the arrest took place, coupled with courts' limited schedule for retaining records. Law enforcement agencies and courts do not always report data to the Department of Public Safety as required, so disposition information may not be available. Also, applicants themselves may not remember the disposition of the arrest, particularly when they have extensive criminal records, arrests that took place many years ago, or backgrounds of substance abuse. For the purpose of this report, when the disposition of an arrest is not known, the arrest is excluded from the data because it is not clear whether an offense occurred. The alternative would have been to include charges where an offense did not occur.

The reporting statute requires the Board to report on the offenses listed in A.R.S. § 41–1758.03(B) and (C). However, individuals who commit offenses listed in subsection B are necessarily prevented from receiving a good cause exception. Therefore, there are no data to report on offenses listed in subsection B.

[2] See A.R.S. § 41–1758.03(L) ("The division [i.e., the fingerprinting division of the Department of Public Safety] shall not issue a fingerprint clearance card to a person if the division cannot determine, within thirty business days after receipt of the person's state and federal criminal history record information, whether the person is awaiting trial on or has been convicted of committing any of the offenses listed in subsection B or C of this section. If the division is unable to make the determination required by this section and does not issue a fingerprint clearance card to a person, the person may request a good cause exception pursuant to section 41–619.55") and A.R.S. § 41–1758.04(C) ("The division shall suspend the fingerprint clearance card of a person who is arrested for an offense listed in section 41–1758.03, subsection B or C").

SECTION TWO – DATA

1. The reporting statute requires the Board to indicate the number of good cause exception applications it received. The Board received 1,967 applications.

2. The reporting statute requires the Board to indicate that number of good cause exceptions granted. Table 3 below shows the disposition of applications closed.

Table 3
Disposition of Applications Closed

Disposition	Number of Applications
Denial	127
Approval	1,091
DPS issuance *	70
Ineligible	1
Applicant withdrew	148
Total	**1,437**

* In some cases, based on information it received subsequent to the denial or suspension of a fingerprint clearance card, DPS is able to issue the card without the applicant having to receive a good cause exception.

3. The reporting statute requires the Board to provide the number of applications received, broken down by the programs listed in A.R.S. § 41–619.51(6). Table 4 on the next page shows the number of applications, broken down by groups of programs.

Table 4 Number of Applications Received by Program Group		
Program Group	**Statutory Program**	**No. Apps. Rec'd**
Child day care or child nutrition	41–1964, 46–141	88
	46–321	71
	36–897.01, –897.03	211
	36–882, –883.02	211
Child care home provider	41–1967.01	69
Child welfare and adolescent behavior health treatment	8–322	251
	46–141	219
	36–425.03	202
	41–2814	202
Child Protective Services employment	8–802	49
Individuals with developmental disabilities	36–594.01	234
Domestic violence and homeless shelters	36–3008, 46–141	80
Residential or nursing care institutions and home health agencies	36–411	435
Teacher certification	15–534	358
Charter school employment	15–183	106
JOBS/JTPA	46–141	7
Exceptional Student Services	15–763.01	36

* The state agency listed is the agency that provides funding or regulates the program. The Department of Education, as referred to here, includes the State Board of Education and the Board of Charter Schools.

4. The reporting statute requires the Board to provide the number of applications granted, broken down by the programs listed in A.R.S. § 41–619.51(6). Table 5 on the next two pages indicates the disposition of applications closed.

Table 5
Number of Applications Received by Program Group

Program Group	Statutory Program	Disposition	No. Apps
Child day care or child nutrition	41–1964, 46–141	Denial	11
		Approval	45
		DPS issuance	0
		Ineligible	0
		Applicant withdrew	11
	46–321	Denial	8
		Approval	45
		DPS issuance	0
		Ineligible	0
		Applicant withdrew	12
	36–897.01, –897.03	Denial	25
		Approval	118
		DPS issuance	2
		Ineligible	0
		Applicant withdrew	16
	36–882, –883.02	Denial	25
		Approval	118
		DPS issuance	2
		Ineligible	0
		Applicant withdrew	16
Child care home provider	41–1967.01	Denial	6
		Approval	38
		DPS issuance	0
		Ineligible	0
		Applicant withdrew	8
Child welfare and adolescent behavior health treatment	8–322	Denial	18
		Approval	141
		DPS issuance	10
		Ineligible	0
		Applicant withdrew	16
	46–141	Denial	12
		Approval	122
		DPS issuance	10
		Ineligible	0
		Applicant withdrew	15
	36–425.03	Denial	11
		Approval	118
		DPS issuance	10
		Ineligible	0
		Applicant withdrew	15
	41–2814	Denial	11
		Approval	118
		DPS issuance	10
		Ineligible	0
		Applicant withdrew	15

Table 5 (continued) Number of Applications Received by Program Group			
Child Protective Services employment	8–802	Denial	1
		Approval	27
		DPS issuance	2
		Ineligible	0
		Applicant withdrew	2
Individuals with developmental disabilities	36–594.01	Denial	27
		Approval	122
		DPS issuance	7
		Ineligible	0
		Applicant withdrew	32
Domestic violence and homeless shelters	36–3008, 46–141	Denial	4
		Approval	41
		DPS issuance	1
		Ineligible	0
		Applicant withdrew	10
Residential or nursing care institutions and home health agencies	36–411	Denial	42
		Approval	257
		DPS issuance	11
		Ineligible	0
		Applicant withdrew	40
Teacher certification	15–534	Denial	12
		Approval	242
		DPS issuance	22
		Ineligible	0
		Applicant withdrew	16
Charter school employment	15–183	Denial	4
		Approval	81
		DPS issuance	6
		Ineligible	0
		Applicant withdrew	7
JOBS/JTPA	46–141	Denial	0
		Approval	8
		DPS issuance	0
		Ineligible	0
		Applicant withdrew	3
Exceptional Student Services	15–763.01	Denial	0
		Approval	32
		DPS issuance	2
		Ineligible	1
		Applicant withdrew	3

* The state agency listed is the agency that provides funding or regulates the program. The Department of Education, as referred to here, includes the State Board of Education and the Board of Charter Schools.

5. The reporting statute requires the Board to indicate the offenses where an individual applied for and, additionally, received a good cause exception. Table 6 below lists the offenses, with an indication of whether or not the Board granted someone who committed that offense a good cause exception.

Table 6
Offenses from Good Cause Exception Applications

Offense	Clearance Card Statute	Good Cause Exception Granted
Manslaughter	41–1753.03(C)(1)	X
Endangerment	41–1753.03(C)(2)	X
Threatening or intimidating	41–1753.03(C)(3)	X
Assault	41–1753.03(C)(4)	X
Assaults on officers or firefighters	41–1753.03(C)(8)	X
Indecent exposure	41–1753.03(C)(10)	X
Public sexual indecency	41–1753.03(C)(11)	X
Theft	41–1753.03(C)(13)	X
Shoplifting	41–1753.03(C)(15)	X
Forgery	41–1753.03(C)(16)	X
Criminal possession of a forgery device	41–1753.03(C)(17)	X
Criminal impersonation	41–1753.03(C)(19)	X
Fraudulent use of a credit card	41–1753.03(C)(23)	X
Misconduct involving weapons	41–1753.03(C)(28)	X
Concealed weapon violation	41–1753.03(C)(32)	X
Pandering	41–1753.03(C)(40)	X
Possession, use, or sale of marijuana, dangerous drugs, or narcotic drugs	41–1753.03(C)(45)	X
A criminal offense involving criminal trespass and burglary under title 13, chapter 15	41–1753.03(C)(54)	X
A criminal offense involving organized crime and fraud under title 13, chapter 23	41–1753.03(C)(55)	X
Child neglect	41–1753.03(C)(56)	X
Misdemeanor offenses involving contributing to the delinquency of a minor	41–1753.03(C)(57)	X
Offenses involving domestic violence	41–1753.03(C)(58)	X
Kidnapping	41–1753.03(C)(60)	
Robbery	41–1753.03(C)(62)	X
Aggravated assault	41–1753.03(C)(63)	X