

Personnel

Criminal Record Check

Applicants for Employment

Each person to be employed in a classified position, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. However, secondary school students attending a district school who are to be employed in a temporary or part-time position shall not be required to submit fingerprint identification data. (Education Code [45125](#))

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, either electronically through the Live Scan system or on fingerprint identification card, for processing by the Department of Justice. If the district is using the Live Scan system, the Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

The Superintendent or designee shall request the Department of Justice to forward one copy of the applicant's fingerprint identification data to the Federal Bureau of Investigation for the purpose of obtaining any record of previous convictions if the applicant: (Education Code [45125](#))

1. Has not resided in the State of California for at least one year immediately preceding the application for employment
2. Has resided for more than one year, but less than seven years, in the State of California and the Department of Justice has ascertained that the person was convicted of a sex offense where the victim was a minor or a drug offense where an element of the offense is either the distribution to or the use of a controlled substance by a minor

The Governing Board shall not employ an applicant until the Department of Justice completes its check of the state criminal history files. (Education Code [45125](#))

The Superintendent or designee shall ensure that no person is hired who has been convicted of a violent or serious felony as listed in Penal Code [667.5\(c\)](#) or [1192.7\(c\)](#), unless that person has obtained a certificate of rehabilitation or pardon. (Education Code [45122.1](#))

The Superintendent or designee may hire a classified employee without waiting for the disposition of the employee's criminal history files upon a determination that an emergency or exceptional situation exists and that a delay in filling the position would endanger student health or safety. (Education Code [45125](#))

Subsequent Arrest Notification

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code [11105.2](#). (Education Code [45125](#))

Current Employees

Upon notification by telephone from the Department of Justice that a current temporary, substitute or probationary classified employee has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay, unless the employee has received a certificate of rehabilitation and a pardon. (Education Code [45122.1](#))

Upon receipt of written notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate the temporary, substitute or probationary employee without regard to any other procedure for termination specified in the Education Code or district procedures, unless that employee has received a certificate of rehabilitation and a pardon. (Education Code [45122.1](#))

If the employee challenges the Department of Justice record and the Department of Justice withdraws in writing its notification, the Superintendent or designee shall immediately reinstate the employee with full restoration of salary and benefits. (Education Code [45122.1](#))

Legal Reference:

EDUCATION CODE

[44332.6](#) Criminal record check, county board of education

[44346.1](#) Applicants for credential, conviction of a violent or serious felony

[44830.1](#) Certificated employees, conviction of a violent or serious felony

[44830.2](#) Certificated employees; Interagency agreements

[45122.1](#) Classified employees, conviction of a violent or serious felony

[45125](#) Use of personal identification cards to ascertain conviction of crime

[45125.01](#) Classified employees; interagency agreements

[45125.1](#) Fingerprint for contractors

[45125.5](#) Automated records check

[45126](#) Duty of Department of Justice to furnish information

GOVERNMENT CODE

[6200-6203](#) Crimes related to public records

PENAL CODE

[502](#) Unauthorized access to computers

[667.5](#) Violent felonies

[1192.7](#) Serious felonies

[11075-11081](#) Criminal record dissemination

[11105-11105.75](#) Criminal identification

[11140-11144](#) Furnishing of state criminal history information

[13300-13305](#) Local summary criminal history information

CODE OF REGULATIONS, TITLE 11

[703](#) Release of criminal offender record information

[708](#) Destruction of criminal offender record information