



# Oxnard Union High School District

Students First: Every Day, Every School, Every Classroom

## SECTION 4000 PERSONNEL

## ADMINISTRATIVE REGULATIONS AR 4212.5

### 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.

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:

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.

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 and a pardon.

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.

#### Subsequent Arrest Notification:

The Superintendent or designee shall request subsequent arrest notification from the Department of Justice as provided under Penal Code 11105.2.

#### 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.

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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.

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.

#### 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

#### Management Resources:

##### WEB SITES

- Department of Justice/Attorney General's Office: <http://www.caag.state.ca.us/app>
- CSBA: <http://www.csba.org>