



# Oxnard Union High School District

Students First: Every Day, Every School, Every Classroom

## SECTION 4000 PERSONNEL

## ADMINISTRATIVE REGULATIONS AR 4312.5

### CRIMINAL RECORD CHECK

#### Applicants for Employment:

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 cards, 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 ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications 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.

However, a certificated employee may be hired by the district, without obtaining a criminal record summary, if that employee became a permanent employee of another school district as of October 1, 1997.

#### Temporary Certificate of Clearance:

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Superintendent or designee shall obtain a criminal record summary from the Department of Justice. The Superintendent or designee shall not issue a temporary certificate of clearance if the applicant has been convicted of a violent or serious felony, unless the applicant has obtained a certificate of rehabilitation and pardon.

The Superintendent or designee may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a district within the county who is serving under a valid credential and has applied for a renewal of that credential or for an additional credential.

The Superintendent or designee may issue a temporary certificate of clearance to a person who has been convicted of a serious felony that is not also a violent felony, if that person can prove to the sentencing court of the offense in question, by clear and convincing evidence, that he/she has been rehabilitated for the purposes of school employment for at least one year.

#### 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:

The Superintendent or designee shall not retain in employment any current certificated employee who is a temporary employee, substitute employee or probationary employee serving before March 15 of the employee's second probationary year if he/she has been convicted of a violent or serious felony.

Upon notification by the Department of Justice of such conviction, the Superintendent or designee shall immediately place that employee on leave without pay.

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When the district receives written electronic notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall terminate that 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 that employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement.

#### Legal Reference:

##### EDUCATION CODE

- 44010 Sex offense
- 44332 Temporary certificate
- 44332.5 Registering certificates by certain districts
- 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 agreement
- 44836 Conviction of a sex offense
- 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
- 45125.5 Automated records check
- 45126 Duty of Department of Justice to furnish information

##### PENAL CODE

- 667.5 Prior prison terms, enhancement of prison terms
- 1192.7 Plea bargaining limitation
- 11105.2 Subsequent arrest notification

##### 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>