RANCHO SANTA FE SCHOOL DISTRICT

I.

Board Policies Covering All Employees

Board Policy No. 4005: RECRUITMENT AND SELECTION

A. The District shall follow fair and competent personnel practices in the recruitment and selection of employees. The Superintendent shall be responsible for establishing appropriate recruitment and selection procedures. The Superintendent makes recommendations to the Board with regard to the employment of employees. The Board does not employ any individual, other than the Superintendent, without a positive recommendation from the Superintendent.

B. Recruitment and selection procedures should incorporate appropriate screening devices, interviews, observations, recommendations and written applications. All such procedures shall comply with applicable law. Each applicant for a certificated or classified position shall list every school district, county office of education, charter school, state special school, state diagnostic center, and private school that previously employed the applicant. Before hiring, the District shall ask each listed employer whether the applicant was the subject of any credible complaint of, substantiated investigation into, or discipline for egregious misconduct, as required by Education Code sections 44939.5 and 44051.

C. The District, pursuant to Education Code section 44830.1 (certificated employees) and Education Code section 45122.1 (classified employees), shall not employ any individual in any position who has been convicted of a violent or serious felony as defined by Penal Code sections 667.5(c) and 1192.7(c), unless specifically authorized by law. The District also shall not retain in employment any non-permanent employee who has been convicted of either a violent or serious felony. The Board requires the Superintendent or designee to ensure compliance with applicable law and this Board Policy.

D. The District, pursuant to Education Code sections 44836 and 44837 (certificated employees) and Education Code sections 45123 and 45124 (classified employees), shall not employ any individual who has been convicted of a sex offense as defined in Education Code section 44010 or a controlled substance offense under Education Code section 44011, unless specifically authorized by law; or who has been determined to be a sexual psychopath, unless specifically authorized by law. The Board requires the Superintendent or designee to ensure compliance with applicable law and this Board Policy.

E. The Superintendent or designee shall ensure that no current certificated temporary, substitute, or probationary employee serving before March 15 of the employee's second complete probationary year, who has been convicted of a violent or serious felony, sex offense listed in Education Code section 44010 or controlled substance offense listed in Education Code section 44011, is retained. Upon notification by the Department of

Justice by electronic mail or telephone that a current temporary employee, substitute employee, or probationary employee serving before March 15 has been convicted of a violent or serious felony or a sex offense, that employee shall immediately be placed on leave without pay. When the District receives written electronic notification of the fact of conviction from the Department of Justice, the employee shall be terminated automatically without regard to any other procedure for termination specified in the Education Code or District procedures unless the employee challenges the record of the Department of Justice and the Department withdraws its notification in writing to the District. Upon receipt of written withdrawal of notification, the employee shall be immediately reinstated with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement. Reinstatement will not occur where the period of employment otherwise terminated. The provisions of Education Code section 44830.1 shall apply.

F. The District shall not employ any classified employee, or any other employee who is required to have fingerprint clearance, until the legally required fingerprint clearance process is completed. The Board requires the Superintendent or designee to ensure compliance with applicable law and this Board Policy. All applicants for classified employee positions including, but not limited to, part-time positions, substitutes and short-term positions, shall be required to submit fingerprints in a manner authorized by the Department of Justice The District shall not employ any applicant until the Department of Justice completes its investigation.

G. The Superintendent or designee shall provide the means whereby the fingerprint cards may be completed and may charge a fee determined by the Department of Justice to be sufficient to reimburse the Department for the costs incurred in processing the application. The amount of the fee shall be forwarded to the Department of Justice with the required copies of the applicant's fingerprint cards. The District may also collect a reasonable fee payable to the local public law enforcement agency taking the fingerprints and completing the data on the fingerprint cards. In no event shall the fee exceed the actual costs incurred by the agency. These additional fees shall be transmitted to the city or county treasury. If an applicant is subsequently hired by the District within 30 days of the application, the fee may be reimbursed to the applicant. Funds not reimbursed to applicants shall be credited to the general fund of the District. If the fingerprint cards forwarded to the Department of Justice are those of a person already employed by the District, the District shall pay the fee required by Education Code section 45125, which fee shall be a proper charge against the general fund of the District, and no fee shall be charged to the employee.

H. Volunteers: In order to ensure the safety of pupils, the Superintendent or designee shall cause volunteers who are over 18 years of age and who interact with pupils outside the immediate supervision and control of a pupil’s parent or guardian or District employee to be fingerprinted as if they were employee applicants. Nothing shall preclude the District from requiring fingerprinting of a volunteer on a case-by-case basis, even if not required by law.

I. Contractors And Sole Proprietors: The District will comply with all requirements in Education Code sections 45125.1 and 45125.2 with regard to the prior fingerprinting of sole proprietors and/or employees of a contracting entity doing business with the District. An entity that has a contract with the District shall ensure that any employee who interacts with pupils has a valid criminal records summary as described in Education Code Section 44237. Nothing shall preclude the District, on a case-by-case basis, from requiring an entity with whom it has a contract to comply with fingerprinting requirements even if no requirement exists to do so under Education Code Section 45125.1.

J. Criminal Record Files: The Superintendent shall designate an employee as record custodian of all confidential fingerprint and criminal records who shall be responsible for the administration of the information. The record custodian shall resolve any questions regarding criminal offender record information. The record custodian shall comply with all laws applicable to such records.

K. The District shall continue to exercise reasonable care in the recruitment, selection and supervision of all employees.

L. Applicants for employment may be required to submit a blood or urine sample for analysis to a laboratory or clinic of the District's choice. The procedure for obtaining and processing all samples will protect the privacy rights of applicants for employment. All samples may be analyzed for the presence of drugs or alcohol. Applicants who submit samples that test positive for the presence of any illegal drug may be discontinued from consideration for employment. Any applicant's sample that tests positive for the presence of any other drug or alcohol at levels which the District determines would impair the applicant's ability to satisfactorily and safely perform as an employee may be discontinued from consideration for employment. Any applicant for employment who tests positive for any illegal drug, other drug or alcohol will be given a reasonable opportunity to explain the positive test result. The applicant may be required to submit another sample if the individual wishes to remain an applicant.

M. Testing reports will be treated similarly to other confidential personnel documents which have restricted access. All testing of blood or urine samples and the implementation of this Board Policy shall be consistent with applicable federal and state law.

Legal Reference:
Education Code sections 35160, 35160.1, 44332.6, 44010, 44011, 44051, 44052, 44237, 44830.1, 44836, 44837, 44939.5, 45122.1, 45123, 45124, 45125, 45125.1, 45125.2, and 45125.5
Penal Code sections 667.5 and 1192.7

Date Policy Adopted By The Board: January 21, 1998
Dates Policy Revised By The Board: January 13, 2005; May 17, 2007; June 22, 2018; October 14, 2022; October 15, 2026