

Personnel

CRIMINAL RECORD CHECK

AR 4212.5

The Department of Justice (DOJ) has instituted an electronic system for the submission of fingerprints (Live Scan) that replaces the process of manually recording an individual's fingerprint on cards.

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. (Education Code 45125)

The Superintendent or designee shall ensure that each person to be employed submits fingerprints for processing by the Department of Justice. The Superintendent or designee shall also provide the applicant with a Live Scan request form and a list of nearby Live Scan locations prior to being cleared for work.

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)

(cf. 4212 - Appointment and Conditions of Employment)

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

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pardon. (Education Code 45122.1)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

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)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

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

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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>

Regulation

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PASADENA UNIFIED SCHOOL DISTRICT

Pasadena, California