



**Subject: Criminal Record Check**

**Policy #4000-9**

## **Policy:**

The Director shall ensure that no person is hired in a position requiring certification qualifications or supervising positions requiring certification qualifications who have been convicted of a violent or serious felony, unless that person has obtained a certificate of rehabilitation and a pardon.

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

The Director shall ensure that no current certificated temporary, substitute or temporary employee serving before March 15 of the employee's second probationary year who has been convicted of a violent or serious felony is retained.

When the Governing Board requests a criminal record summary of a temporary, substitute or probationary certificated employee, the school shall submit two fingerprint cards in accordance with law, together with a personal description of the person and a fee, to the Department of Justice.

Upon notification by the Department of Justice that a current temporary, substitute or probationary employee, serving before March 15 of the employee's second probationary year, has been convicted of a violent or serious felony, the Director shall immediately place that employee on leave without pay.

When the school receives written electronic notification of the fact of conviction from the Department of Justice, the Director shall immediately terminate the employee without regard to any other procedure for termination specified in the Education Code or school 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 Director shall immediately reinstate the employee with full restoration of salary and benefits for the period of time from the suspension without pay to the reinstatement.

The Director shall request subsequent arrest service from the Department of Justice as provided under Penal Code 11105.2.

### **Temporary Certificates of Clearance**

Before issuing a temporary certificate of clearance to an applicant whose credential is being processed, the Director shall obtain a criminal record summary from the Department of Justice. The Director shall not issue a temporary certificate of clearance if the applicant has been



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convicted of a violent or serious felony, unless the applicant has obtained a certificate of rehabilitation and pardon.

The Director may issue a temporary certificate of clearance without obtaining a criminal record summary to an employee currently and continuously employed by a school 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 Director 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.

First Reading:

Second Reading:

Adopted: Oct 12, 2012