

Criminal Record Check

Applicants for Employment

All applicants for classified positions, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification cards. 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 a fingerprint identification card. (Education Code 45125)

The Superintendent or designee shall prepare fingerprint identification cards, along with a personal description of the applicant, in accordance with law for each classified applicant. The district shall send these cards to the Bureau of Criminal Identification Investigation, State Department of Justice, for processing. (Education Code 45125)

The district may charge the applicant a fee for processing the application as specified in law.

The Governing Board shall not employ an applicant until the Department of Justice completes its obligations regarding arrest and conviction information. (Education Code 45125)

The Superintendent or designee may ask the local law enforcement agency to conduct an automated records check to ascertain whether a prospective classified employee has a criminal record. This information shall be requested only for applicants whom the district intends to hire at the time the check is requested. (Education Code 45125.5)

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

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

Current Employees

The Superintendent or designee shall forward to the Department of Justice a list of all current classified employees, except students employed at the school they attend, who have not completed a criminal background check. (Education Code 45125)

The Superintendent or designee shall prepare fingerprint identification cards for all current classified employees, except secondary school students employed by the district, who have not completed a fingerprint identification card in accordance with the requirements specified above.

These cards shall be immediately forwarded to the Department of Justice for processing.

Annually on September 30, the Superintendent or designee shall submit to the Department of Justice a list of all classified employees for the prior school year and shall indicate whether a criminal background check pursuant to this administrative regulation has been completed for these employees. (Education Code 45125)

Upon notification by telephone from the Department of Justice that a current temporary or substitute classified employee has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 45122.1)

Upon receipt of written notification of the fact of conviction from the Department of Justice, the Superintendent or designee shall immediately terminate the temporary or substitute 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

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

GOVERNMENT CODE

6200-6203 Crimes related to public records

PENAL CODE

502 Unauthorized access to computers

667.5 Prior prison terms, enhancement of prison terms

1192.7 Plea bargaining limitation

11075-11081 Criminal record dissemination

11105 State criminal history information; furnishing to authorized persons

11105.2 Subsequent arrest notification

11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence; availability to employer for applicants for positions with supervisory or disciplinary power over minors

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 FRESNO UNIFIED SCHOOL DISTRICT

approved: September 9, 1998 Fresno, California