



Grossmont Union High School District Operational Bulletin

Date: November 2, 2009
No.: OB-(10)-(13)

Title: Fingerprinting Employees and Volunteers
Who Have a Break in Service

Routing:
Site & District Administration
Site & District Secretaries

Issuing Department: Human Resources

Reference: AR 4312.5

Summary:

Effective June 15, 2009, the addition of a nationwide FBI fingerprint clearance became a requirement for all new district employees and volunteers, including employees of other districts who wish to volunteer or work in any capacity in our District. Therefore, all employees or volunteers who were fingerprinted prior to June 15, 2009*, and who have any separation in service from the District (excluding continual seasonal assignments, i.e. coaches, lifeguards, etc.), and wish to return to the District in any capacity, will be required to be fingerprinted for both District **and** FBI clearance prior to accepting an assignment.

The necessity of requiring FBI clearance is to ensure that a nationwide check and subsequent notification is in place. District fingerprint clearance only accesses California history and subsequent notification of arrests in California.

This Operational Bulletin is specifically written to ensure that regardless of the duration of a break in service, any new or returning employee must be cleared (based on the requirement to be re-printed which includes FBI clearance, as noted above), before returning to our district sites and facilities.

Please note that only school site administrators (Principal, V.P., M.S.F. or their secretary designees) and district administrators (or their secretary designees) are authorized to sign fingerprint referral cards.

For questions regarding the information contained in this bulletin, please contact Steve Sonnich, Associate Administrator, at 619-644-8018.

APPROVED:

Steve Sonnich
Associate Administrator
Human Resources

*This requirement does not apply to any volunteer or employee who was fingerprinted through our District on or after June 15, 2009. If these employees or volunteers separate service, they will still be cleared to work or volunteer with GUHSD because the District will be notified of any subsequent arrest and/or conviction by virtue of the FBI clearance.

Grossmont Union High

Administrative Regulation

AR 4312.5

Personnel

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. (Education Code 44830.1)

(cf. 4112 - Appointment and Conditions of Employment)
(cf. 4112.2 - Certification)

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. (Education Code 44830.1)

(cf. 4121 - Temporary/Substitute Personnel)

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. (Education Code 44332, 44332.5, 44332.6)

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. (Education Code

44332.6)

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. (Education Code 44332.6)

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 44830.1)

(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 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. (Education Code 44830.1)

Upon notification by the Department of Justice of such conviction, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1)

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. (Education Code 44830.1)

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. (Education Code 44830.1)

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>

Regulation GROSSMONT UNION HIGH SCHOOL DISTRICT
issued: January 2003 La Mesa, California