

CRIMINAL RECORD

The Superintendent or designee shall ensure that each person to be employed submits fingerprints, electronically through the Live Scan system 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. (Education Code 45125)

Each person to be employed, including temporary, substitute and part-time positions, shall be required to submit fingerprint identification data. However, secondary school students attending a District school who are employed in a temporary or part-time position shall not be required to submit fingerprint identification data.

The District is prohibited from hiring any individual if the check reveals that he/she has been convicted of a violent or serious felony, unless the individual has obtained a certificate of rehabilitation and pardon.

The Superintendent or designee may ask the local law enforcement agency to conduct an automated records check to ascertain whether a prospective noncertificated employee has a criminal record. For purposes of this section, "prospective noncertificated employee" includes only those applicants whom the requesting school district intends to hire, at the time the automated records check is requested. (Education Code 45125.5)

Legal Reference:

EDUCATION CODE

45125 Use of personal identification cards to ascertain conviction of crime

45125.5 Automated records check

45126 - Duty of Department of Justice to furnish information

PENAL CODE

11075-11081 Criminal record dissemination

11105 State criminal history information; furnishing to authorized persons

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

11142 Authorized person furnishing record or information to unauthorized person; misdemeanor

13300 Local criminal history information; furnishing to authorized persons

13303 Furnishing to unauthorized person by authorized person

Policy

adopted: February 24, 1997

revised: July 11, 2006

CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California