



**Chico Unified School District**  
1163 East Seventh Street, Chico, CA 95928-5999  
(530) 891-3000

**Administrative Regulation:** #4112.5  
4312.5

**Section: 4000** **Personnel**  
**Page 1 of 5**

## **Certificated Personnel**

### **CRIMINAL RECORD CHECK**

The Superintendent or designee shall not hire or retain in employment, in a certificated or classified position, a person who has been convicted of a violent or serious felony as defined in Penal Code 667.5(c) or 1192.7(c), a controlled substance offense as defined in Education Code 44011, or a sex offense as defined in Education Code 44010. However, the Superintendent or designee shall not deny or terminate employment solely on the basis that the person has been: (Education Code 44830.1, 44836, 45122.1, 45123)

1. Convicted of a violent or serious felony, controlled substance offense, or sex offense, and the conviction is reversed and the person is acquitted of the offense in a new trial or the charges against the person are dismissed, unless the sex offense for which the conviction is dismissed pursuant to Penal Code 1203.4 involves a victim who was a minor.
2. Convicted of a violent or serious felony and has obtained a certificate of rehabilitation or a pardon.
3. Convicted of a serious felony, that is not also a violent felony, and has proven to the sentencing court that rehabilitation for purposes of school employment has been attained for at least one year.
4. Convicted of a controlled substance offense and is applying for or is employed in a certificated position and has a credential issued by the Commission on Teacher Credentialing.
5. Convicted of a controlled substance offense and is applying for or is employed in a classified position and has been determined by the Governing Board, from the evidence presented, to have been rehabilitated for at least five years.

### **Pre-Employment Record Check**

The Superintendent or designee shall require each person to be employed by the district to submit fingerprints electronically through the Live Scan system so that a criminal record check may be conducted by the Department of Justice (DOJ). The Superintendent or designee shall provide the applicant with a Live Scan request form and a list of nearby Live Scan locations.

When a person is applying for a classified position, the Superintendent or designee shall request that the DOJ also obtain a criminal record check through the Federal Bureau of Investigation whenever the applicant meets one of the following conditions: (Education Code 45125)

1. The applicant has not resided in California for at least one year immediately preceding the application for employment.
2. The applicant has resided in California for more than one year, but less than seven years, and the DOJ 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 Superintendent or designee shall immediately notify the DOJ when an applicant who has submitted his/her fingerprints to the DOJ is not subsequently employed by the district. (Penal Code 11105.2)

### **Subsequent Arrest Notification**

The Superintendent or designee shall enter into a contract with the DOJ to receive notification of subsequent arrests



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**#4112.5  
4312.5**

**Section: 4000**

**Personnel**

**Page 2 of 5**

---

resulting in conviction of any person whose fingerprints have been submitted to the DOJ. (Education Code 44830.1, 45125; Penal Code 11105.2)

Upon telephone or email notification by the DOJ that a current temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year has been convicted of a violent or serious felony, the Superintendent or designee shall immediately place that employee on leave without pay. (Education Code 44830.1, 45122.1)

When the district receives written electronic notification by the DOJ of the fact of conviction, the temporary employee, substitute employee, or probationary employee serving before March 15 of the employee's second probationary year shall be terminated automatically unless the employee challenges the DOJ record and the DOJ withdraws its notification in writing. Upon receipt of the written withdrawal of notification by the DOJ, 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 if the employee is still employed by the district. (Education Code 44830.1, 45122.1)

The Superintendent or designee shall immediately notify the DOJ whenever a person whose fingerprints are maintained by the DOJ is terminated. (Penal Code 11105.2)

**Notification of Applicant/Employee**

The Superintendent or designee shall expeditiously furnish a copy of any DOJ notification to the applicant or employee to whom it relates if the information is a basis for an adverse employment decision. The copy shall be delivered in person or to the last contact information provided by the applicant or employee. (Penal Code 11105, 11105.2)

**Maintenance of Records**

The Superintendent shall designate at least one custodian of records who shall be responsible for the security, storage, dissemination, and destruction of all Criminal Offender Record Information (CORI) furnished to the district and shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

An employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

To ensure its confidentiality, CORI shall be accessible only to the custodian of records and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and its contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

Once a hiring determination is made, the applicant's CORI shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

The Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in that capacity. (Penal Code 11102.2)



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Administrative  
Regulation:

#4112.5  
4312.5

Section: 4000

Personnel

Page 3 of 5

---

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
11 CCR 701-708	<u><a href="#">Criminal offender record information</a></u>
11 CCR 720-724	<u><a href="#">Incomplete criminal history information</a></u>
11 CCR 994-994.15	<u><a href="#">Certification of individuals who take fingerprint impressions</a></u>
Ed. Code 44010	<u><a href="#">Sex offense; definitions</a></u>
Ed. Code 44011	<u><a href="#">Controlled substance offense</a></u>
Ed. Code 44332-44332.6	<u><a href="#">Temporary certificate of clearance</a></u>
Ed. Code 44346.1	<u><a href="#">Applicants for credential; conviction of a violent or serious felony</a></u>
Ed. Code 44830.1	<u><a href="#">Criminal record summary; certificated employees</a></u>
Ed. Code 44830.2	<u><a href="#">Certificated employees; interagency agreement for sharing criminal record information</a></u>
Ed. Code 44836	<u><a href="#">Employment of certificated persons convicted of sex offense or controlled substance offense</a></u>
Ed. Code 44932	<u><a href="#">Grounds for dismissal of permanent employees</a></u>
Ed. Code 45122.1	<u><a href="#">Classified employees; conviction of a violent or serious felony</a></u>
Ed. Code 45125	<u><a href="#">Use of personal identification cards to ascertain conviction of crime</a></u>
Ed. Code 45125.01	<u><a href="#">Interagency agreements for criminal record information</a></u>
Ed. Code 45125.5	<u><a href="#">Automated records check</a></u>
Ed. Code 45126	<u><a href="#">Duty of Department of Justice to furnish information</a></u>
Ed. Code 49024	<u><a href="#">Activity Supervisor Clearance Certificate</a></u>
Gov. Code 12954	<u><a href="#">Employment discrimination; cannabis use</a></u>
H&S Code 11350	<u><a href="#">Offenses Involving Controlled Substances Formerly Classified as Narcotics</a></u>
H&S Code 11377	<u><a href="#">Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs</a></u>
Pen. Code 11075-11081	<u><a href="#">Criminal record dissemination</a></u>
Pen. Code 11102.2	<u><a href="#">Maintenance of criminal offender records; custodian of records</a></u>
Pen. Code 11105	<u><a href="#">Access to criminal history information</a></u>
Pen. Code 11105.2	<u><a href="#">Subsequent arrest notification</a></u>
Pen. Code 11105.3	<u><a href="#">Record of conviction involving sex crimes, drug crimes or crimes of violence</a></u>
Pen. Code 11140-11144	<u><a href="#">Furnishing of state criminal history information</a></u>
Pen. Code 1192.7	<u><a href="#">Plea bargaining limitation</a></u>
Pen. Code 1203.4	<u><a href="#">Dismissal of conviction</a></u>

Regulation Approved: 03/06/08; 09/30/15; 06/24/24



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 4312.5  
**Section: 4000** **Personnel**  
 Page 4 of 5

<b>State</b>	<b>Description</b>
Pen. Code 1203.425	<u>Conviction relief</u>
Pen. Code 13300-13305	<u>Local summary criminal history information</u>
Pen. Code 667.5	<u>Prior prison terms; enhancement of prison terms</u>

<b>Management Resources</b>	<b>Description</b>
Court Decision	<u>Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger (1989) 214 Cal. App. 3d 145</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>Office of the Attorney General, Department of Justice, Background Checks</u>
Website	<u>CSBA</u>

**Cross References**

<b>Code</b>	<b>Description</b>
1240	Volunteer Assistance
1340	Access To District Records
2120	Superintendent Recruitment And Selection
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.6	Personnel Files
4112.9	Employee Notifications
4116	Probationary/Permanent Status
4118	Dismissal/Suspension/Disciplinary Action
4119.23	Unauthorized Release Of Confidential/Privileged Information
4121	Temporary/Substitute Personnel
4127	Temporary Athletic Team Coaches
4200	Classified Personnel
4212	Appointment And Conditions Of Employment
4212.6	Personnel Files
4212.9	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218.1	Dismissal/Suspension/Disciplinary Action (Merit System)



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**Administrative  
Regulation:**

**#4112.5  
4312.5**

**Section: 4000**

**Personnel  
Page 5 of 5**

---

<b>Code</b>	<b>Description</b>
4219.23	<i>Unauthorized Release Of Confidential/Privileged Information</i>
4227	<i>Temporary Athletic Team Coaches</i>
4312.6	<i>Personnel Files</i>
4312.9	<i>Employee Notifications</i>
4319.23	<i>Unauthorized Release Of Confidential/Privileged Information</i>
4327	<i>Temporary Athletic Team Coaches</i>
5148	<i>Child Care And Development</i>
5148.2	<i>Before/After School Programs</i>
5148.3	<i>Preschool/Early Childhood Education</i>
6145	<i>Extracurricular And Cocurricular Activities</i>
9011	<i>Disclosure Of Confidential/Privileged Information</i>