



Reference: *Education Code Sections 87008; 87009; 87010; 87011; 87405; 88022; 88023;*
Penal Code 17(a); 1203.4; 4852.01 et seq.
Welfare and Institutions Code 6300

The Board believes that student and employee safety is essential to a successful learning and working environment. The Board recognizes that students and employees must feel safe in order to learn and to work. In order to ensure that students and employees are in a safe environment, individuals who have been convicted of certain felonies will not be permitted to serve as employees of the District.

For the purposes of this Policy, “convicted” will be construed as meaning a plea or verdict of guilty or no contest, a jury verdict of guilty, or a finding of guilt by a court in a trial without a jury.

For purposes of this policy, “felony” is a crime which is punishable with death or by imprisonment in the state prison. This policy applies to any offense which, if committed in this state, would have been punishable as a felony. When a crime is punishable, in the discretion of the court, by imprisonment in the state prison, or by fine or imprisonment in the county jail, it shall be deemed a felony for purposes of this policy.

For purposes of this policy, a violent felony is any felony listed in subdivision (c) of Section 667.5 of the Penal Code and a serious felony is any felony listed in subdivision (c) of Section 1192.7 of the Penal Code.

For purposes of this Policy, “sexual psychopath” will be construed as meaning any person who, by reason of mental defect, disease, or disorder, is predisposed to the commission of sexual offenses to such a degree that he/she is dangerous to the health and safety of others. Applicants determined a sexual psychopath will not be employed.

Applicants convicted of any sex offense, as defined in Education Code Section 87010, will not be employed.

Applicants convicted of any controlled substance offense, as defined in Education Section 87011, will not be employed.

This policy shall not operate to deny a person employment solely on the basis that the person has been convicted of a felony if the person has obtained a certificate of rehabilitation and pardon under Penal Code Section 4852.01 and if probation has been terminated and the information or accusation has been dismissed pursuant to Penal Code Section 1203.4. If any conviction is reversed and the formerly convicted person is acquitted of the offense in a new trial, or the charges are dismissed, this section does not prohibit his or her employment thereafter.

In addition, the specific nature of the crime involved may disqualify an applicant from a specific position. These would include, without limitation:

- Applicants convicted of a crime involving theft or fraud may not be employed in a position regularly responsible for fiscal matters, including as a cashier, or in a position regularly responsible for filing reports of any nature regarding fiscal matters.
- Applicants convicted of driving under the influence may not be employed in a position regularly required to drive or operate heavy machinery in the course and scope of his or her duties.
- Applicants convicted of any crime involving a minor, including a crime involving a minor as the victim of the crime, may not be employed in a position regularly responsible for supervision of minors or with regular unsupervised contact with minors.

Applicants convicted of a serious or violent crime may only be employed by the District if the Governing Board determines from the evidence presented at a hearing that the person has been rehabilitated for at least five years or has received a certificate of pardon under Penal Code 4852.01, or if probation has been terminated and the information or accusation has been dismissed pursuant to Penal Code Section 1203.4.