
Fresno USD DIVISION OF HUMAN RESOURCES
HR 2701
FINGERPRINT REQUIREMENTS / CRIMINAL CONVICTIONS THAT
EXCLUDE SCHOOL EMPLOYMENT

NEW HIRE

- All new hire employees, including certificated or classified, Permanent, Temporary, Probationary, Substitutes, Supplemental Services employees, and Extra Pay Contract employees (e.g., Coaches) must be fingerprinted upon an offer of employment. Please note: **NO NEW HIRE MAY BEGIN EMPLOYMENT UNTIL FUSD HAS RECEIVED CLEARANCE BY THE DEPARTMENT OF JUSTICE (DOJ) AND FEDERAL BUREAU OF INVESTIATIONS (FBI) AND FUSD HUMAN RESOURCES HAS NOTIFIED THE NEW HIRE THAT HE/SHE IS APPROVED TO START WORK! THIS INCLUDES ALL CLASSIFICATIONS OF EMPLOYEES.**
- All new hires must pay for their own fingerprint costs at the time that they are fingerprinted.

Payment must be in the form of a money order or cashier's check made payable to Fresno Unified School District.

If an applicant attempts to pay in cash, they will be directed to the Post Office window to purchase a money-order.

FEES

The fingerprinting fees are as follows:

- FUSD Volunteers and NTA's \$50.00
- FUSD Employees / Coaches, Charter Employees / Volunteers \$68.00

Note: If a substitute employee without any break in service is hired into a permanent position (classified or certificated), they do not need to be reprinted.

REHIRE

- Retirees hired after 1998 and rehires must also be fingerprinted and receive DOJ/FBI clearance before returning to work for the District.

If a former employee applies with FUSD, it is considered a break-in-service for fingerprint purposes and they are subject to all requirements for clearance, including applicable fees.

If a former employee has had the District issue a "no longer interested" notice to the DOJ/FBI, he/she is subject to fingerprints.

- 39-Month re-employment.

Fresno USD DIVISION OF HUMAN RESOURCES
HR 2701
FINGERPRINT REQUIREMENTS / CRIMINAL CONVICTIONS THAT
EXCLUDE SCHOOL EMPLOYMENT

If a permanent employee is rehired within 39 months of their last day worked, they are subject to fingerprints and the District will incur the cost.

- Coaches, including Volunteer Coaches are subject to all fingerprint requirements.

Coaches may not begin their coaching assignment until a clearance has been received from the DOJ and Human Resources has contacted the Physical Education & Athletics office. The cost of the fingerprinting will be paid by the Coach.

RECORD KEEPING

- The Human Resources Assistant is responsible for logging and tracking all fingerprints and the resulting clearances or records received from the Department of Justice.
- When a clearance is received, the Human Resources Assistant will notify the Human Resources staff member who is responsible for making the hire offer to the applicant.

Clearances are considered a priority and will receive immediate attention.

- The HR staff member is then responsible for notifying the employee and/or school site that the employee is cleared and establish the start date. The start date must be reflected accurately in the new hire/rehire paperwork and Lawson.
- When a criminal record is received from the DOJ and/or FBI, the Human Resource Assistant will pull the application and attach the record and distribute to the appropriate HR Analyst or Administrator.

It will be the HR Analyst/Administrator's responsibility to assess appropriate action in the cases of all criminal records.

- Offers will be rescinded by HR Administrator.

As stated in the first paragraph, these are guidelines for internal use. Because the interpretation of the law can change, all procedures are also subject to change.

CRIMINAL CONVICTIONS THAT EXCLUDE SCHOOL EMPLOYMENT

Individuals who have been convicted of certain sex and controlled substance offenses are excluded from school employment per Education Code sections 44010 and 44011. Additionally, individuals convicted of a violent or serious felony shall not be employed by the District pursuant to Education Code section 45122.1 (referencing Penal Code sections 667.5 and 1192.7). The following are Code sections and offense descriptions for offenses that exclude employment in education.

Fresno USD DIVISION OF HUMAN RESOURCES
HR 2701
FINGERPRINT REQUIREMENTS / CRIMINAL CONVICTIONS THAT
EXCLUDE SCHOOL EMPLOYMENT

Please Note: While the following list of offenses is representative of most offenses which will exclude individuals from school employment upon conviction it is not exhaustive and is subject to legislative change from time to time. Please consult with Human Resources if you have a question regarding a particular offense.

Sex Offense Violations, Education Code 44010

<u>Penal Codes</u>	<u>Offense Description</u>
261	Rape
261.5	Unlawful Sexual Intercourse Defined
264.1	Punishment when defendant acted in concert with another person to commit rape
266	Procuring, assignation and seduction
266j.	Procurement of child under age 16 for lewd or lascivious acts
267	Abduction for prostitution
285	Incest
286	Sodomy
288	Lewd or lascivious acts
288a	Oral copulation
288.5	Continuous sexual abuse of minor
289	Forcible acts of sexual penetration
311.1	Sent or brought into state for sale or distribution; possessing, preparing, publishing, producing, developing, duplicating, or printing within state; matter depicting sexual conduct by minor
311.2	Sending or bringing into state for sale or distribution; printing, exhibiting, distributing, exchanging or possessing within state; matter depicting sexual conduct by minor
311.3	Sexual exploitation of a child
311.4	Employment or use of minor to perform prohibited acts
311.10	Advertising for sale or distribution obscene matter depicting a person under the age of 18 years engaging in or simulating sexual conduct
311.11	Possession or control of matter depicting minor engaging or simulating sexual conduct
647(a,d)	Disorderly conduct defined: (a) lewd or dissolute conduct; (b) prostitution
647b	Loitering about adult schools; molesting of pupils
647.6	Child molesters
243.4(a,b,c,d)	Sexual battery
314	Indecent exposure (for offenses committed on or after 9/15/61).
272	Contributing to delinquency of a minor
286/288(a)	Sodomy or lewd act on a child (for offenses prior to 1975-76 legislation).

Penal Code former Sections: 647a, 647(5), 311(2), 311(1) (for offenses committed before 9/15/61).
Welfare and Institution Code 702 (for offenses prior to 9/15/61).

Sex Offense Violations, Education Code 44010

Education Code 44010 also includes the following:

1. Any attempt to commit any of the above mentioned offenses.
2. Any offense committed or attempted in any other state or against the laws of the U.S. which, if committed or attempted in this State, would have been punishable as one or more of the offenses specified in Section 44010.

Fresno USD DIVISION OF HUMAN RESOURCES

HR 2701

FINGERPRINT REQUIREMENTS / CRIMINAL CONVICTIONS THAT
EXCLUDE SCHOOL EMPLOYMENT

3. Any conviction for an offense resulting in the requirement to register as a sex offender.
4. A sexual psychopath as defined by Welfare and Institution Code, Article 1 (comparing with Section 6300), Chapter 2, Part 2, Division 6.

Controlled Substances Violations- Education Code 44011

Health &

Safety Code Offense Description

11350	Possession of designated controlled substance
11351	Possession or purchase of designated controlled substance for sale
11351.5	Possession or purchase of cocaine for sale
11352	Transportation, sale, giving away, etc. a designated controlled substance
11352.1	Dispensing or furnishing drugs without a license
11353	Adult inducing minor to violated provision or use or employment of minor for unlawful transactions
11353.1	Employment of minor for unlawful transactions; additional penalty when adult is at least four years older than a minor
11353.5	Selling or giving controlled substance to minor
11353.6(g)	Sale of controlled substance to minor on or within 1,000 yards of school property; additional punishment
11353.7	Preparation for sale or sale of substance to minor in public place
11354	Minor's employment of fellow minor for unlawful transactions
11355	Delivery of substance falsely represented to be a controlled substance
11361	Employment of minors for unlawful transactions
11366	Maintenance of location for unlawful activities
11368	Generation and use of forged or altered prescriptions
11377	Possession of certain controlled substances
11378	Possession for sale of controlled substances that meet certain criteria
11378.5	Possession for sale of phencyclidine (PCP)
11379	Transport, import, sale, etc. of certain controlled substances
11379.2	Possession for sale: Ketamine
11379.5	Transportation, sale, distribution of Phencyclidine (PCP); transportation to non-contiguous County
11379.6	Manufacture of controlled substances - penalties
11380	Adult using minor as agent for unlawful transactions
11382	Sale or furnishing of substance falsely represented to be a controlled substance
11550	Use or under influence of controlled substance or narcotic not lawfully administered

Health and Safety Code former Sections:

11500 to 11503 inclusive; 11557; 11715; 11721

Fresno USD DIVISION OF HUMAN RESOURCES
HR 2701
FINGERPRINT REQUIREMENTS / CRIMINAL CONVICTIONS THAT
EXCLUDE SCHOOL EMPLOYMENT

Serious and Violent Violations

<u>Penal Code</u>	<u>Offense Description</u>
37	Treason
128	Procuring execution of innocent person by perjury
136.1/186.22	Threats/intimidation of victims or witnesses
187	Murder
191.5	Gross Vehicular Manslaughter while Intoxicated
192	Voluntary Manslaughter
203	Mayhem
205	Aggravated Mayhem
206	Torture
207	Kidnapping
208	Kidnap
209	Kidnap for Ransom
209.5	Kidnap during Carjacking
210	Extortion by posing as kidnapper or by claiming ability to obtain release of victim
212.5	Robbery
215	Carjacking
217.1	Attempt Murder or Assault of Public Official, Juror, or Member of Military
218	Attempt Train Wrecking
219	Train Wrecking or Derailing
220	Assault with attempt to Commit mayhem, rape, sodomy, oral copulation, or other specified offense
222	Administering stupefying drugs to assist in commission of felony
236	False Imprisonment
241	Assault on Peace Officer/etc.
241.1	Assault on Custodial Officer
242	Battery
243	Battery on Peace Officer/etc.
243.1	Battery on Custodial Officer
243.3	Battery on transportation personnel or passenger
243.6	Battery against school employee
244	Assault with caustic chemicals or flammable substances
244.5	Assault with stun gun
245	Assault with deadly weapon
245.2	Assault with deadly weapon on transportation personnel or passenger
245.3	Assault with deadly weapon on custodial officer
245.5	Assault with deadly weapon or stun gun/Taser on school employee
246	Shoot at Inhabited Dwelling, etc.
247.5	Discharge of a Laser at Occupied Aircraft
261	Rape
262	Rape of Spouse by Force/etc.
269	Aggravated Sexual Assault on a Minor
273	Willful harm or injury to a child
278	Child Stealing
368	Cruelty to Elder/Dependent Adult with Likely Great Bodily

Fresno USD DIVISION OF HUMAN RESOURCES
HR 2701
FINGERPRINT REQUIREMENTS / CRIMINAL CONVICTIONS THAT
EXCLUDE SCHOOL EMPLOYMENT

Serious and Violent Violations, con't.

<u>Penal Codes</u>	<u>Offense Description</u>
422	Criminal threats
451	Arson
459/460	Burglary
464	Burglary with Acetylene torch, etc.
487	Grand Theft from Person
518/186.22	Extortion
11413	Use Explosive/Destruction Device/Arson to with intent to Terrorize
11418	Weapons of mass destruction: possession, transfer, use, etc.
12024	Possession of any Deadly Weapon with intent to Commit Assault
12034	Discharge of any Firearm from a Vehicle at another Person
12308	Use of any Destructive Device or any Explosive with Intent to Commit Murder
12309	Use of any Destructive Device or any Explosive Causing Great Bodily Injury
12310	Explosion or Ignition of any Destructive Device or any Explosive Causing Death