Employment by a School District

The California State Education Code prohibits persons from being employed by or retaining employment with the community college district if such persons have been convicted of any sex offense, as defined in Education Code Section 87010 (California Penal Code 12912), or narcotics offense, as defined in Education Code Section 87011 (California Penal Code 12912.5). If, however, any such conviction is reversed, and the person is acquitted of the offense in a new trial, or the charges are dismissed, this section does not then prohibit that person’s employment.

Convictions:

All convictions by any court including a military court, not arrests, must be listed on the job application. Convictions including traffic offenses will be carefully reviewed by the District’s Human Resources Department staff. A conviction is not necessarily a bar to employment.

Failure to report a conviction will be considered as falsification of your Employment Application which will lead to termination, if employment is secured, and disbarment from all public employment in the San Francisco Community College District and with the City and County of San Francisco.

PROCEDURES:

1. Answer “NO” on the Employment Application if your record has been:

   • sealed in accordance with California Penal Code Section 1203.45, 851.7 or 851.8, for which you have documentation; or

   • destroyed or is subject to destruction under California Health and Safety Code Section 11361.5; or

   • if you have successfully completed a diversion program pursuant to California Penal Code Section 1000.5 et seq. or

   • released or expunged, per Section 1203.4 or 1203.4a of the California Penal Code or California Welfare and Institutions Code Section 1179 or 1772, for which you have documentation; or

   • a traffic offense for which the fine was less than $200.00
Requests to have conviction records sealed, destroyed, released or expunged must be filed directly in the respective County court where the conviction was rendered.

The mere application for the sealing, release or expungement of the convictions per Section 1203.4 or 1203.4a of the California Penal Code or California Welfare and Institutions Code Section 1179 or 1772 with the appropriate court, prior to its adjudication does not satisfy this requirement.

2. Answer “YES” on the Employment Application if you have received:
   - a pardon, per Section 4852.16 of the California Penal Code.

It is the applicant’s responsibility to provide proof at the time of application that he/she has obtained a Certificate of Rehabilitation and pardon in accordance with the provisions of California Education Code Section 87405(b).

**California Education Code Section 87405: EMPLOYMENT OF PERSONS CONVICTED OF SEX OFFENSE OR CONTROLLED SUBSTANCE OFFENSE**

(a) Governing boards of community college districts shall not employ or retain in employment persons who have been convicted of any sex offense as defined in Section 87010 or controlled substance offense as defined in Section 87011. If, however, any such conviction is reversed and the person is acquitted of the offense in a new trial or the charges against him or her are dismissed, this section does not prohibit his or her employment thereafter.

(b) Notwithstanding subdivision (a), no person shall be denied employment or not be retained solely on the basis that he or she has been convicted of a sex offense or a controlled substance offense if he or she has obtained or applied for a certificate of rehabilitation and pardon under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, and if his or her probation has been terminated and the information or accusation has been dismissed pursuant to Section 1203.4 of the Penal Code.

(c) Notwithstanding subdivision (a), a person may be employed or retained despite being convicted of a sex offense or a controlled substance offense if the governing board determines from the evidence presented that the person has been rehabilitated for at least five years, or has received a certificate of rehabilitation and pardon pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, or if the accusation or information against the person has been dismissed and he or she has been released from all disabilities and penalties resulting from the offense pursuant to Section 1203.4 of the Penal Code.

Web-HRD 12/07/06
SECTION 87010: “SEX OFFENSE”

"Sex offense," as used in Sections 87405, 88022, and 88123, means any one or more of the offenses listed below:

(a) Any offense defined in Section 261.5, 266, 267, 285, 286, 288, 288a, 647.6, or former Section 647a, paragraph (2) or (3) of subdivision (a) of Section 261, paragraph (1) or (2) of subdivision (a) of Section 262, or subdivision (a) or (d) of Section 647 of the Penal Code.

(b) Any offense defined in former subdivision 5 of former Section 647 of the Penal Code repealed by Chapter 560 of the Statutes of 1961, or any offense defined in former subdivision 2 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961, if the offense defined in those sections was committed prior to September 15, 1961, to the same extent that such an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.

(c) Any offense defined in Section 314 of the Penal Code committed on or after September 15, 1961.

(d) Any offense defined in former subdivision 1 of former Section 311 of the Penal Code repealed by Chapter 2147 of the Statutes of 1961 committed on or after September 7, 1955, and prior to September 15, 1961.

(e) Any offense involving lewd and lascivious conduct under Section 272 of the Penal Code committed on or after September 15, 1961.

(f) Any offense involving lewd and lascivious conduct under former Section 702 of the Welfare and Institutions Code repealed by Chapter 1616 of the Statutes of 1961, if the offense was committed prior to September 15, 1961, to the same extent that such an offense committed prior to that date was a sex offense for the purposes of this section prior to September 15, 1961.

(g) Any offense defined in Section 286 or 288a of the Penal Code prior to the effective date of the amendment of either section enacted at the 1975-76 Regular Session of the Legislature committed prior to the effective date of the amendment.

(h) Any attempt to commit any of the above-mentioned offenses.

(i) Any offense committed or attempted in any other state that, if committed or attempted in this state, would have been punishable as one or more of the above-mentioned offenses.

SECTION 87011: “CONTROLLED SUBSTANCE OFFENSE”

"Controlled substance offense" as used in Sections 87405, 88022, and 88123 means any one or more of the following offenses:

(a) Any offense in Sections 11350 to 11355, inclusive, 11366, 11368, 11377 to 11382, inclusive, and 11550 of the Health and Safety Code.

(b) Any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of the above-mentioned offenses.

(c) Any offense committed under former Sections 11500 to 11503, inclusive, 11557, 11715, and 11721 of the Health and Safety Code.

(d) Any attempt to commit any of the above-mentioned offenses.