

APPOINTMENT AND CONDITIONS OF EMPLOYMENT

The Monterey County Superintendent of Schools (County Superintendent) or designee, shall approve the appointment of all certificated personnel.

(cf. 4111/4211/4311 - Recruitment and Selection)

(cf. 4121 - Temporary/Substitute Personnel)

Individuals appointed to the certificated staff shall:

1. Possess the appropriate certification qualifications and register the certification document in accordance with law and Superintendent Policy [Education Code (EC) 44250-44279, 44330]
(cf. 4112.2 - Certification)
(cf. 4112.21 - Interns)
2. Demonstrate proficiency in basic skills as required by law and Superintendent Policy [EC 44252.5, 44830]
3. Submit to fingerprinting as required by law [EC 44830.1]
4. Not have been convicted of a violent or serious felony as defined in Penal Code 667.5 or 1192.7, unless the individual has received a certificate of rehabilitation and pardon [EC 44830.1]
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
5. Not have been convicted of any sex offense as defined in EC 44010 [EC 44836]
6. Not have been required to register as a sex offender pursuant to Penal Code 290 because of a conviction for a crime where the victim was a minor under the age of 16 [Penal Code 290.95]
(cf. 3515.5 - Sex Offender Notification)
7. Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 [EC 44837]
8. Not have been convicted of any controlled substance offense as defined in EC 44011 [EC 44836]
9. Submit to a physical examination, tuberculosis testing and/or provide a medical certificate as required by law and Superintendent Policy [EC 44839, 49406]
(cf. 4112.4/4212.4/4312.4 - Health Examinations)
(cf. 5148 - Child Care and Development)
(cf. 5148.3 - Preschool/Early Childhood Education)

10. Furnish a statement of military service and, if any was rendered, a copy of the discharge or release from service or, if no such document is available, other suitable evidence of the termination of service [EC 44838]
11. File the oath or affirmation of allegiance required by Government Code (GC) 3100-3109
(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)
12. Fulfill any other requirements as specified by law, collective bargaining agreement, Superintendent Policy or Administrative Regulation
(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)

Legal Reference:

EDUCATION CODE

35161	<i>Powers and duties</i>
44008	<i>Effect of termination of probation</i>
44009	<i>Conviction of specified crimes; definitions</i>
44010	<i>Sex offense</i>
44011	<i>Controlled substance offense</i>
44066	<i>Limitation on certification requirements</i>
44250-44277	<i>Credential types</i>
44330	<i>Effect of registration of certification document</i>
44830.1	<i>Felons; certificated positions; criminal record summary; fingerprints</i>
44836	<i>Employment of person convicted of sex offenses or controlled substance offenses</i>
44837	<i>Employment of sexual sociopath</i>
44838	<i>Statement of military service</i>
44839	<i>Medical certificate</i>
44839.5	<i>Medical certificate for retirant</i>
49406	<i>Examination for tuberculosis</i>

GOVERNMENT CODE

3100-3109	<i>Oaths or affirmations of allegiance for disaster service workers and public employees</i>
12940-12950	<i>Unlawful employment practices</i>

HEALTH AND SAFETY CODE

1596.7995	<i>Immunization requirements for employees in child care center or preschool</i>
1597.055	<i>Teachers in day care centers</i>

PENAL CODE

290	<i>Registration of sex offenders</i>
290.95	<i>Disclosure by persons required to register as sex offenders</i>
667.5	<i>Prior prison terms, enhancement of prison terms</i>
1192.7	<i>Plea bargaining limitation</i>

WELFARE AND INSTITUTIONS CODE

6300-6332	<i>Sexual psychopaths</i>
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ATTORNEY GENERAL OPINION
72 Ops. Cal. Atty. Gen. 25