

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT**

Upon recommendation from the Superintendent or designee, the Governing Board shall approve the appointment of all certificated personnel. The position and the salary classification shall be reported to the Board at a regular meeting.

*(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 Board policy (Education Code 44250-44279, 44330)

*(cf. 4112.2 - Certification)*

*(cf. 4112.21 - Interns)*

2. Demonstrate proficiency in basic skills as required by law and Board policy (Education Code 44252.5, 44830)

*(cf. 4112.24 - Teacher Qualifications Under the No Child Left Behind Act)*

*(cf. 6171 - Title I Programs)*

3. Submit to fingerprinting as required by law (Education Code 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 (Education Code 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 Education Code 44010 (Education Code 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 (Education Code 44837)
8. Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 44836)

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT** (continued)

9. Submit to a physical examination, tuberculosis testing and/or provide a medical certificate as required by law and Board policy (Education Code 44839, 49406)

*(cf. 4112.4/4212.4/4312.4 - Health Examinations)*

Note: **Optional** item #11 below is for use by districts that require pre-employment drug and alcohol testing for employees.

10. Submit to drug and alcohol testing as required by Board policy

*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*

11. 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 (Education Code 44838)

12. File the oath or affirmation of allegiance required by Government Code 3100-3109

*(cf. 4112.3/4212.3/4312.3 - Oath or Affirmation)*

13. Fulfill any other requirements as specified by law, collective bargaining agreement, Board policy or administrative regulation

*(cf. 4112.8/4212.8/4312.8 - Employment of Relatives)*

*Legal Reference: (see next page)*

**APPOINTMENT AND CONDITIONS OF EMPLOYMENT (continued)**

*Legal Reference:*

EDUCATION CODE

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

GOVERNMENT CODE

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

PENAL CODE

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

WELFARE AND INSTITUTIONS CODE

- 6300-6332 Sexual psychopaths

CODE OF REGULATIONS, TITLE 5

- 6100-6125 Teacher qualifications, No Child Left Behind Act

UNITED STATES CODE, TITLE 20

- 6319 Highly qualified teachers
  - 7801 Definitions, highly qualified teacher
- CODE OF FEDERAL REGULATIONS, TITLE 34
- 200.55-200.57 Highly qualified teachers

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**VISALIA UNIFIED SCHOOL DISTRICT**  
Visalia, California