

# Novato USD

## Administrative Regulation

### Appointment And Conditions Of Employment

AR 4112  
Personnel

**\*\*\*Note: The following optional regulation summarizes the legal conditions for appointment of certificated staff. The list below should be modified to reflect any additional conditions as determined by the Governing Board and upon consultation with legal counsel.\*\*\***

Upon recommendation from the Superintendent or designee, the **Governing** Board ~~of Education~~ 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)

~~3. When required by the federal No Child Left Behind Act for teachers of core academic subjects, possess the qualifications of "highly qualified" teachers as defined in law, Board policy and administrative regulations (20 USC 6319)~~

~~(cf. 4112.24 Teacher Qualifications Under the No Child Left Behind Act)  
(cf. 6171 Title I Programs)~~

**43.** Submit to fingerprinting as required by law (Education Code 44830.1)

**54.** 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 - Suspension/Disciplinary Action)

**65.** Not have been convicted of any sex offense as defined in Education Code 44010 (Education Code 44836)

**76.** 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)

**87.** Not have been determined to be a sexual psychopath pursuant to Welfare and Institutions Code 6300-6332 (Education Code 44837)

**98.** Not have been convicted of any controlled substance offense as defined in Education Code 44011 (Education Code 44836)

**109.** 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)**  
**(cf. 5148 - Child Care and Development)**  
**(cf. 5148.3 - Preschool/Early Childhood Education)**

**\*\*\*Note: Optional item #10 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 - ~~Health Examinations~~ **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:

## 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  
44250-44279 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

## HEALTH AND SAFETY CODE

**1596.7995 Immunization requirements for employees in child care center or preschool**

**1597.055 Teachers in day care centers**

## 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~~

Regulation NOVATO UNIFIED SCHOOL DISTRICT  
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