

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. The following are the Penal Codes and Health and Safety Code violations that exclude employment in education.

Sex Offense Violations, Education Code 44010

Penal Codes

Definitions

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.
267	Abduction for prostitution.
285	Incest.
286	Sodomy.
288	Lewd act on child.
288(a)	Lewd act on child.
289	Anal or genital penetration by foreign object for sexual purpose.
311.3	Development and duplication of obscene matter.
311.4	Using minor to assist in distribution of obscene matter; posing or modeling involving sexual conduct.
313.1	Distribution to minors; local ordinance restricting display, sale, or rental of video recordings; transmission of telephone messages.
647.6	Child molesters.
647(a)	Disorderly conduct defined - lewd or dissolute conduct.
243.4(a,b,c)	Sexual battery.
261(1,2,3,4)	Rape.
311.2(b)	Bringing obscene matter into or distributing within State.
647(a,d)	Disorderly conduct defined: (a) lewd or dissolute conduct; (b) prostitution.
647(5)	Replaced by Chapter 560, 1961 (for offenses committed before 9/15/61).
311(2)	Bringing obscene matter into or distributing within State (for offenses committed before 9/15/61).
314	Indecent exposure (for offenses committed on or after 9/15/61).
311(1)	Obscene matter - definitions (for offenses committed between 9/7/61 and 9/15/61).
272	Contributing to delinquency of minor.
386/288(a)	Sodomy or lewd act on child (for offenses prior to 1975-76 legislation).

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 comparable offense in another State.
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

Health & Safety Code

Definition

11350	Unlawful possession - punishment, fine.
11351	Possession or purchase for sale.
11351.5	Possession or purchase of cocaine (other than cocaine hydrochloride for sale).
11352	Transportation, sale, distribution; transportation to noncontiguous county.
11352.5	Possession for sale of heroin - fine plus imprisonment.
11353	Adult's 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 minor.
11353.5	Selling or giving controlled substance to minor.
11353.6	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 falsely represented items.
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.
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	Importation, sale, distribution of Phencyclidine (PCP); transportation to non-contiguous county.
11379.6	Manufacture of controlled substances - penalties.
11380	Employment of minor for unlawful transactions.
11382	Substitute of fraudulently represented items.
11550	Use prohibited.

Health and Safety Code former Sections:

11500 to 11503 inclusive; 11557; 11715; 11721

Serious and Violent Violations

Penal Code

Definition

37	Treason
128	Perjury
187	Murder
190	Murder
191.5	Gross vehicular manslaughter while intoxicated
192	Voluntary manslaughter
193	Voluntary manslaughter
203	Mayhem
204	Mayhem
205	Aggravated mayhem
206	Torture
207	Kidnapping
208	Kidnapping
209	Kidnap for ransom
209.5	Kidnap during carjacking
212.5	Robbery

<u>Penal Code</u>	<u>Definition</u>
213	Robbery
213.5	Robbery
215	Carjacking
217.1	Attempt murder
218	Attempt train wrecking
219	Train wrecking or derailing
220	Assault to commit rape
222	Give drugs aide in felony
226	Duel when death ensues
236	False imprisonment with violence
237	False imprisonment with violence/etc.
241	Assault on custodial officer
242	Battery on peace officer/etc., with injury
243	Battery on peace officer/etc., with injury
243.1	Battery
243.3	Battery
243.6	Battery
244	Assault
244.5	Assault
245	Assault
245.2	Assault
245.3	Assault
245.5	Assault
246	Shoot at inhabited dwelling
247.5	Discharge laser at occupied aircraft
261.	Rape
262	Rape spouse by force/etc.
269	Aggravated sex assault on minor
273	Willful cruelty to child w/possible injury/death
278	Child stealing
288	Lewd or lascivious acts with child under 14 with force
288.5	Continued sexual abuse of child
368	Cruelty to elder/dependent adult with likely great bodily injury
451	Arson
454	Arson
459	Burglary
460	Burglary
464	Burglary
12022/487	Grand Theft from person
12022/487.2	Grand Theft from person
653	Solicit to commit murder
1768.7	Attempt escape/etc., from youth authority with force/etc.
1768.8	Assault on non-prisoner with great bodily injury
4500	Assault
4501	Assault
4503	Confined person holds hostage
4530	Prisoner escape with escape
4532	Escape jail
11353	Adult sell/etc., controlled substance to minor
11380.5	Furnish/etc., minor with Phencyclidine
11413	Use explosive/destruction device/arson to terrorize
12024	Possesses deadly weapon to commit assault
12034	Discharge firearm from vehicle at person
12308	Use destructive device with intent to murder
12309	Use destructive device causing great bodily injury
12310	Destructive device causing death