

## **EDUCATION CODE - EDC**

**TITLE 3. POSTSECONDARY EDUCATION [66000 - 101149.5]** ( *Title 3 enacted by Stats. 1976, Ch. 1010.* )

**DIVISION 7. COMMUNITY COLLEGES [70900 - 88933]** ( *Division 7 enacted by Stats. 1976, Ch. 1010.* )

**PART 51. EMPLOYEES [87000 - 88270]** ( *Part 51 enacted by Stats. 1976, Ch. 1010.* )

**CHAPTER 3. Employment [87400 - 87885]** ( *Chapter 3 enacted by Stats. 1976, Ch. 1010.* )

**ARTICLE 1. General Provisions [87400 - 87489]** ( *Article 1 enacted by Stats. 1976, Ch. 1010.* )

**87405.** (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.

*(Amended by Stats. 1990, Ch. 1302, Sec. 37. Effective September 25, 1990.)*