

**All Personnel**

AR 4112.62(a)

4212.62

**MAINTENANCE OF CRIMINAL OFFENDER RECORDS**

4312.62

### **Maintenance of Criminal Offender Records**

All information received from the Department of Justice is confidential. (Education Code 44830.1, 45125)

The Superintendent shall designate an employee as record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information. Any questions regarding Criminal Offender Record Information shall be resolved by the record custodian.

*(cf. 1240 - Volunteer Assistance)*

*(cf. 3515.6 - Criminal Background Checks for Contractors)*

*(cf. 4112.5/4312.5 - Criminal Record Check)*

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*

*(cf. 4212.5 - Criminal Record Check)*

Criminal Offender Record Information shall be accessible only to the record custodian and shall be kept in a locked file separate from other files. The contents of these records shall not be disclosed and shall not be reproduced. (Education Code 44830.1, 45125)

The record custodian shall be fingerprinted and processed through the California Department of Justice. He/she shall sign an Employee Statement Form, acknowledging an understanding of the laws regarding Criminal Offender Record Information.

These records shall be used only for the purpose for which they were requested.

Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained. (Education Code 44830.1, 45125; 11 CCR 708)

Violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil prosecution.

*(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)*

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

The record custodian shall ensure that the district complies with destruction, storage, dissemination, auditing, backgrounding and training requirements as set forth in 11 CCR 700-708 and the rules regarding use and security of these records as set forth in Penal Code 11077. (Education Code 44830.1, 45125)

*Legal Reference: (see next page)*

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## **MAINTENANCE OF CRIMINAL OFFENDER RECORDS (continued)**

### *Legal Reference:*

#### EDUCATION CODE

*44332 Temporary certificate*

*44332.6 Criminal record check, county board of education*

*44346.1 Applicants for credential, conviction of a violent or serious felony*

*44830.1 Certificated employees, conviction of a violent or serious felony*

*44830.2 Interagency agreements*

*45122.1 Classified employees, conviction of a violent or serious felony*

*45125 Use of personal identification cards to ascertain conviction of crime*

*45125.01 Interagency agreements*

*45125.5 Automated records check*

*45126 Duty of Department of Justice to furnish information*

#### PENAL CODE

*667.5 Prior prison terms, enhancement of prison terms*

*1192.7 Plea bargaining limitation*

*11075-11081 Criminal record dissemination*

*11105 State criminal history information; furnishing to authorized persons*

*11105.3 Record of conviction involving sex crimes, drug crimes or crimes of violence; availability to employer for applicants for positions with supervisory or disciplinary power over minors*

*11140-11144 Furnishing of state criminal history information*

*13300-13305 Local summary criminal history information*

#### CODE OF REGULATIONS, TITLE 11

*700-708 Criminal offender record information*