

**Personnel**

AR 4112.62 (a)  
AR 4212.62 (a)  
AR 4312.62 (a)

**MAINTENANCE OF CRIMINAL OFFENDER RECORDS**

**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. The Superintendent or designee shall ensure that criminal record background checks on employees or prospective employees are conducted through the Department of Justice (DOJ) and that any Criminal Offender Record Information (CORI) received is maintained in accordance with law.

(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 (CORI) shall be accessible only to the record custodian and shall be kept in a locked file separate from other files. CORI shall be used only for the purpose for which it is requested and contents shall not be disclosed or reproduced. (Education Code 44830.1, 45125)

The Superintendent shall designate an employee as custodian of records. Beginning July 1, 2011, any employee designated as custodian of records shall receive a criminal background check clearance from the DOJ prior to serving in that capacity. (Penal Code 11102.2)

The custodian of records shall sign and return to the DOJ the Employee Statement Form acknowledging an understanding of the laws prohibiting misuse of CORI. In addition, the custodian of records shall ensure that any individual with access to CORI has on file a signed Employee Statement Form.

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)

Any unauthorized release or reproduction of any criminal offender record or other violation of this administrative regulation may result in suspension, dismissal and/or criminal or civil legal action.

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

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

The custodian of records shall be responsible for the security, storage, dissemination, and destruction of all CORI furnished to the district. He/she also shall serve as the primary contact for the DOJ for any related issues. (Penal Code 11102.2)

By March 1, 2012 and by March 1 of every year thereafter, the Superintendent or designee shall notify the DOJ of the district's designated custodian of records. In addition, the Superintendent or designee shall immediately notify the DOJ whenever a designated custodian of records ceases to serve in this capacity. (Penal Code 11102.2)

Upon receipt from the Department of Justice of a criminal history record or report of subsequent arrest for any person on a common list of persons eligible for employment, the designated district shall give notice to the Superintendent or any participating district, or the person designated in writing by that Superintendent, that the report is available for inspection on a confidential basis by the Superintendent or the written designee. The report shall be made available at the office of the designated district for 30 days following the receipt of the notice. (Education Code 44830.2, 45125.01)

The designated district shall not release a copy of that information to any participating district or any other person. In addition, the designated district shall retain or dispose of the information in the manner specified in law and in this administrative regulation after all participating districts have had an opportunity to inspect it in accordance with law. (Education Code 44830.2, 45125.01)

The designated district shall maintain a record of all persons to whom the information has been shown. This record shall be available to the Department of Justice. (Education Code 44830.2, 45125.01)

The designated district shall submit an interagency agreement to the Department of Justice to establish authorization to submit and receive this information. (Education Code 44830.2, 45125.01)

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*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

701-708 Criminal offender record information

Regulation Approved: 2/9/11

ORCUTT UNION SCHOOL DISTRICT  
Orcutt, California