

Exhibit 4112.5-E(1): Criminal Record Check

Original Adopted Date 1/17/2024

**SAMPLE EMPLOYEE STATEMENT FORM
USE OF CRIMINAL JUSTICE INFORMATION**

As an employee/volunteer of _____ School District, you may have access to confidential criminal record information which is controlled by state and federal statutes. Misuse of such information may adversely affect the individual's civil rights and violate constitutional rights of privacy. Penal Code 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code 6200 prescribes felony penalties for misuse of public records. Penal Code 11142 and 13300 state:

"Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor."

Civil Code 1798.53, Invasion of Privacy, states:

"Any person who intentionally discloses information, not otherwise public, which they know or should reasonably know was obtained from personal or confidential information maintained by a state agency or from records within a system of records maintained by a federal government agency, shall be subject to a civil action, for invasion of privacy, by the individual."

CIVIL, CRIMINAL, AND ADMINISTRATIVE PENALTIES:

- Penal Code 11141: DOJ furnishing to unauthorized person (misdemeanor)
- Penal Code 11142: Authorized person furnishing to other (misdemeanor)
- Penal Code 11143: Unauthorized person in possession (misdemeanor)
- California Constitution, Article I, Section 1 (Right to Privacy)
- Civil Code 1798.53, Invasion of Privacy
- Title 18 USC 641, 1030, 1951, and 1952

Any employee who is responsible for such misuse may be subject to immediate dismissal. Violations of this law may result in criminal and/or civil action.

I HAVE READ THE ABOVE AND UNDERSTAND THE POLICY REGARDING MISUSE OF CRIMINAL RECORD INFORMATION.

Signature _____ Date _____

Printed Name _____ Title _____

Name of District _____

PLEASE NOTE: Do not return this form to the DOJ. Your Custodian of Records should maintain these forms.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
11 CCR 701-708	<u>Criminal offender record information</u>
11 CCR 720-724	<u>Incomplete criminal history information</u>
11 CCR 994-994.15	<u>Certification of individuals who take fingerprint impressions</u>
Ed. Code 44010	<u>Sex offense; definitions</u>
Ed. Code 44011	<u>Controlled substance offense</u>
Ed. Code 44332.44332.6	<u>Temporary certificate of clearance</u>
Ed. Code 44346.1	<u>Applicants for credential; conviction of a violent or serious felony</u>
Ed. Code 44830.1	<u>Criminal record summary certificated employees</u>
Ed. Code 44830.2	<u>Certificated employees; interagency agreement for sharing criminal record information</u>
Ed. Code 44836	<u>Employment of certificated persons convicted of controlled substance offenses</u>
Ed. Code 44932	<u>Grounds for dismissal of permanent employees</u>
Ed. Code 45122.1	<u>Classified employees; conviction of a violent or serious felony</u>
Ed. Code 45125	<u>Use of personal identification cards to ascertain conviction of crime</u>
Ed. Code 45125.01	<u>Interagency agreements for criminal record information</u>
Ed. Code 45125.5	<u>Automated records check</u>
Ed. Code 45126	<u>Duty of Department of Justice to furnish information</u>
Ed. Code 49024	<u>Activity Supervisor Clearance Certificate</u>
Pen. Code 11075-11081	<u>Criminal record dissemination</u>
Pen. Code 11102.2	<u>Maintenance of criminal offender records; custodian of records</u>
Pen. Code 11105	<u>Access to criminal history information</u>
Pen. Code 11105.2	<u>Subsequent arrest notification</u>

Pen. Code 11105.3	Record of conviction involving sex crimes, drug crimes or crimes of violence
Pen. Code 11140-11144	Furnishing of state criminal history information
Pen. Code 1192.7	Plea bargaining limitation
Pen. Code 1203.4	Dismissal of conviction
Pen. Code 13300-13305	Local summary criminal history information
Pen. Code 667.5	Prior prison terms; enhancement of prison terms
Management Resources	Description
Court Decision	Central Valley Chapter of the 7th Step Foundation Inc. v. Evelle J. Younger, (1989) 214 Cal. App. 3d 145
Website	CSBA District and County Office of Education Legal Services
Website	Office of the Attorney General, Department of Justice, Background Checks

Cross References

Code	Description
1240	Volunteer Assistance
1240	Volunteer Assistance
1340	Access To District Records
1340	Access To District Records
2120	Superintendent Recruitment And Selection
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3542	School Bus Drivers
3580	District Records
3580	District Records
4112	Appointment And Conditions Of Employment
4112.2	Certification
4112.2	Certification
4112.6	Personnel Files
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4116	Probationary/Permanent Status
4116	Probationary/Permanent Status
4118	Dismissal/Suspension/Disciplinary Action

4118	<u>Dismissal/Suspension/Disciplinary Action</u>
4119.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4121	<u>Temporary/Substitute Personnel</u>
4121	<u>Temporary/Substitute Personnel</u>
4127	<u>Temporary Athletic Team Coaches</u>
4127	<u>Temporary Athletic Team Coaches</u>
4200	<u>Classified Personnel</u>
4200	<u>Classified Personnel</u>
4212	<u>Appointment And Conditions Of Employment</u>
4212.6	<u>Personnel Files</u>
4212.9	<u>Employee Notifications</u>
4212.9-E(1)	<u>Employee Notifications</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218	<u>Dismissal/Suspension/Disciplinary Action</u>
4218.1	<u>Dismissal/Suspension/Disciplinary Action (Merit System)</u>
4219.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4227	<u>Temporary Athletic Team Coaches</u>
4227	<u>Temporary Athletic Team Coaches</u>
4312.6	<u>Personnel Files</u>
4312.9	<u>Employee Notifications</u>
4312.9-E(1)	<u>Employee Notifications</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4327	<u>Temporary Athletic Team Coaches</u>
4327	<u>Temporary Athletic Team Coaches</u>
5148	<u>Child Care And Development</u>
5148	<u>Child Care And Development</u>
5148.2	<u>Before/After School Programs</u>
5148.2	<u>Before/After School Programs</u>
5148.3	<u>Preschool/Early Childhood Education</u>
5148.3	<u>Preschool/Early Childhood Education</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
6145	<u>Extracurricular And Cocurricular Activities</u>
9011	<u>Disclosure Of Confidential/Privileged Information</u>

