

Exhibit 4212.5-E(1): Criminal Record Check

Status: ADOPTED

Original Adopted Date: 10/01/1997 | Last Revised Date:
03/01/2024 | Last Reviewed Date: 03/01/2024

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
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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.

State	Description
11 CCR 701-708	Criminal offender record information
11 CCR 720-724	Incomplete criminal history information
11 CCR 994-994.15	Certification of individuals who take fingerprint impressions
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 sex offense or controlled substance offense</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>
Gov. Code 12954	Employment discrimination; cannabis use
H&S Code 11350	Offenses Involving Controlled Substances Formerly Classified as Narcotics
H&S Code 11377	Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs
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	<u>Record of conviction involving sex crimes, drug crimes or crimes of violence</u>
Pen. Code 11140-11144	<u>Furnishing of state criminal history information</u>
Pen. Code 1192.7	<u>Plea bargaining limitation</u>
Pen. Code 1203.4	<u>Dismissal of conviction</u>
Pen. Code 1203.425	Conviction relief
Pen. Code 13300-13305	<u>Local summary criminal history information</u>
Pen. Code 667.5	<u>Prior prison terms; enhancement of prison terms</u>
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	<u>CSBA District and County Office of Education Legal Services</u>

Website [Office of the Attorney General, Department of Justice,](#)
[Background Checks](#)

Website [CSBA](#)

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