

**MAINTENANCE OF CRIMINAL OFFENDER RECORDS**

**A. Purpose and Scope**

To designate an employee as record custodian of all confidential fingerprint and criminal record history who shall be responsible for the administration of the information.

**B. General**

The Superintendent or designee 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 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.

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.

All information received from the Department of Justice is confidential.

**C. Forms Used and Additional References**

1. Request for Live Scan form
2. No Longer Interested Notification form

**D. Procedure**

1. 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.

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2. These records shall be used only for the purpose for which they were requested.
3. Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained.
4. Upon termination, a No Longer Interested Notification shall be mailed to the Department of Justice.
5. 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 San Joaquin County Office of Education (SJCOE) 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 SJCOE for 30 days following the receipt of the notice.

The SJCOE shall not release a copy of that information to any participating district or any other person. In addition, the SJCOE 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.

The SJCOE shall maintain a record of all persons to whom the information has been shown. This record shall be available to the Department of Justice.

The SJCOE shall submit an interagency agreement to the Department of Justice to establish authorization to submit and receive this information.

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

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**E. Reports Required**  
none

**F. Record Retention**

1. Upon a hiring determination, the records shall be destroyed to the extent that the identity of the individual can no longer be reasonably ascertained.
2. Upon termination, a No Longer Interested Notification shall be mailed to the Department of Justice.

**G. Responsible Administrative Unit**

Human Resources

**H. Approved By**

Associate Superintendent for Human Resources

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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

- 700-708 Criminal offender record information