

VENTURA COUNTY OFFICE OF EDUCATION

SUPERINTENDENT POLICY NO. 4212.63

ADOPTED: 04/05/00

CLASSIFICATION: Personnel

REVISED:

SUBJECT: Student Criminal Offender Record Information (CORI) Processing

Provisions of Assembly Bill 2102 mandate that all school employees be fingerprinted for the purpose of obtaining a Criminal Offender Record Information (CORI) report from the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI). No employer may employ a person until the Department of Justice completes its check of state criminal history files and renders a report to the employing entity.

Education Code 44237 states that secondary school students working at the school they attend need not be fingerprinted. This is interpreted to extend to students working at sites located within the district of their residence. Said interpretation would allow students to work at multiple sites as long as those activities are limited to sites within the district as a whole.

Legal Reference:

EDUCATION CODE

44237 School Employees

EMPLOYEE STATEMENT FORM

As an employee of: _____,

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 Section 502 prescribes the penalties relating to computer crimes. Penal Code Sections 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be disseminated. Penal Code Sections 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes felony penalties for misuse of public records. Penal Code Sections 11142 and 13303 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.”

Invasion of Privacy Civil Code Section 1798.53 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

- ✧ 11141 PC DOJ furnishing to unauthorized person (misdemeanor)
- ✧ 11142 PC Authorized person furnishing to other (misdemeanor)
- ✧ 11143 PC Unauthorized person in possession (misdemeanor)
- ✧ California Constitution, Article I, Section 1 (Right to Privacy)
- ✧ 1798.53 Civil Code
- ✧ Title 18, USC, Sections 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 _____