



# Long Valley Charter School

*Imagine-Achieve-Inspire*

## Policy on Criminal Record Information

Approved by: Board of Directors

Date: May 1, 2001

Number: 1005

### Employee Handbook

**Purpose:** To provide procedures for handling criminal history information on employees of Long Valley Charter School

**Definitions:** Criminal record information obtained from the California Department of Justice, the Federal Bureau of Investigation when a background check is processed.

**Procedures:**

This policy has been developed to meet the requirements of the State of California, Department of Justice, Bureau of Criminal Identification and Information, Field Operations and Record security Section for any agency that maintains or receives criminal history information.

To all Long Valley Charter School (LVCS) employees. To ensure that this employer is aware of the backgrounds of employees accessing confidential criminal history records they shall be fingerprinted and processed through the California Department of Justice.

The overall responsibility for the administration of the employee fingerprint and resulting criminal history information rests with the Director/Business Manager and approved Board Members.

A. **Record Security:** Any questions regarding the release, security and privacy of Criminal Offender Record Information (CORI) are to be resolved by the Director/Business Manager and approved Board Members.

B. **Record Storage:** CORI shall be under lock and key and accessible only to the Director/Business Manager and approved Board Members who are committed to protect CORI from unauthorized access, use or disclosure.

C. **Record Dissemination:** CORI shall be used only for the purpose for which it was requested by the Director/Business Manager and approved Board Members.

D. **Record Destruction:** CORI shall be destroyed after employment determination has been made, and copies of same will be destroyed in such a way that the employee's name can no longer be identified.

E. **Record Reproduction:** CORI may not be reproduced for dissemination.

F. **Training:** The Director/Business Manager and approved Board Members agree:

1. *to read and abide by this policy,*
2. *to themselves be fingerprinted and have a clearance check completed*
3. *to have on file a signed copy of the Employee Statement Form (which is itself a part of this policy) which acknowledges an understanding of laws prohibiting misuse of CORI.*

G. **Penalties:** Misuse of CORI is a criminal offense. Violation of this policy regarding CORI may result in suspension, dismissal, and/or Criminal or Civil prosecution.

**Employee Statement Form**

**Regarding the Use of Criminal Justice Information**

As an employee of Long Valley Charter School,

You may have access to confidential criminal record information, which is controlled by statute. Misuse of such information may adversely affect the individual's civil rights and violates the law. Penal Code Section 502 prescribes the penalties relating to computer crimes. Penal Code Section 11105 and 13300 identify who has access to criminal history information and under what circumstances it may be released. Penal Code Sections 11140-11144 and 13301-13305 prescribe penalties for misuse of criminal history information. Government Code Section 6200 prescribes the felony penalties for misuse of public record and CLETS information. Penal Code Sections 11142 and 13303 states:

“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.”

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

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

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

**Custodian of Records Duties**

- Ensure proper destruction
- Ensure back grounding
- Ensure training
- Ensure proper storage
- Notify DOJ of any change in address, etc.
- Ensure No Longer Interested Notification is sent
- Maintain confidentially/permit no secondary dissemination

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Long Valley Charter School

Adopted: 05/01/2001

Revised: