

Upon request from another Idaho school district, this district will make available information on an applicant's past job performance and/or job related conduct as described in Idaho Code §33-1210(1)(b) and *Policy 404.50*. Such information will be provided within twenty (20) business days after receiving the request. In accordance with Idaho law, names of any student or fellow employee complainant, other than the employee's administrative evaluator or administrative author of communication to the employee, will be redacted from such provided documentation.

The district may provide information about the job performance, professional conduct, or evaluation of a former or current employee to a prospective employer that is not a school district at the request of the prospective employer or the current or former employee. Any information provided will be provided in good faith.

This district will not maintain a blacklist, or notify any other employer that any current or former employee has been blacklisted by this district, for the purpose of preventing the employee from receiving employment.

Any and all information regarding a current or former employee received through a substance abuse testing program will be held confidential by the district and will not be disclosed to a prospective employer unless such disclosure is approved in writing by the current or former employee.

PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE

All district employees, contractors or agents are prohibited from assisting a district employee, contractor or agent from obtaining a new job if the individual or district knows, or has probable cause to believe, that such district employee, contractor or agent has engaged in sexual misconduct regarding a minor or student in violation of the law. This prohibition does not apply to the routine transmission of administrative and personnel files in accordance with Idaho Code §33-1210 or other applicable law, regulation or policy.

The prohibition described herein shall not apply to cases in which the alleged misconduct was properly reported to law enforcement and any other authorities required by federal, state, or local law; and:

1. The matter was officially closed;
2. The prosecutor or law enforcement agency with jurisdiction over the case investigated the allegations and notified district officials that there is insufficient information to establish probable cause that the individual engaged in sexual misconduct with a minor or student in violation of the law;
3. The individual alleged to have engaged in sexual misconduct with a student or minor has been charged with and acquitted or otherwise exonerated of the sexual misconduct; or

4. The case or investigation has remained open and no indictment or other charges have been brought within four (4) years of the date on which the information was provided to law enforcement.



LEGAL REFERENCE:

Idaho Code Sections

33-1210 – Information on Past Job Performance

44-201 – Employer Duties

72-1712 – Confidentiality of Information

20 U.S.C. §7926 – Prohibition on Aiding and Abetting Sexual Abuse

ADOPTED: February 21, 2023

AMENDED:

CROSS REFERENCE:

Policy 404.50 (Information on Past Job Performance)