

Document Status: Draft Update

General Personnel

5:150 Personnel Records

Prospective Employer Inquiries Concerning a Current or Former Employee's Job Performance^{PRESSPlus1}

The Superintendent or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance. The Superintendent shall:^{PRESSPlus2}

1. **E**execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a District employee and was the subject of a report made by a District employee to **Ill. Dept. of Children and Family Services (DCFS); and**
2. **Comply with the federal law prohibiting the District from providing a recommendation of employment for an employee, contractor, or agent that District knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law,**^{PRESSPlus3}**but the Superintendent or designee may follow routine procedures regarding the transmission of administrative or personnel files for that employee.**

When requested for information about an employee by an entity other than a prospective employer, the District will only confirm position and employment dates unless the employee has submitted a written request to the Superintendent or designee.

Maintenance and Access to Records^{PRESSPlus4}

Please refer to the applicable collective bargaining agreement(s) or working agreement(s).

For employees not covered by a current applicable bargaining agreement or working agreement(s):

The Superintendent or designee shall manage the maintenance of personnel records in accordance with State and federal law and Board of Education policy. Records, as determined by the Superintendent, are retained for all employment applicants, employees, and former employees given the need for the District to document employment-related decisions, evaluate program and staff effectiveness, and comply

with government recordkeeping and reporting requirements. Personnel records shall be maintained in the District's administrative office, under the Superintendent's or designee's direct supervision.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Superintendent or designee.
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to District Public Records*.
6. Personnel records shall not be made available to Board members and school administrators except as may be required in the performance of their job functions.

LEGAL REF.:

[20 U.S.C. §7926.](#)

[325 ILCS 5/4,](#) Abused and Neglected Child Reporting Act.

[745 ILCS 46/10,](#) Employment Record Disclosure Act.

[820 ILCS 40/,](#) Personal Record Review Act.

[23 Ill.Admin.Code §1.660.](#)

CROSS REF.: 2:250 (Access to District Public Records), [5:90 \(Abused and Neglected Child Reporting\),](#) 7:340 (Student Records)

PRESSPlus Comments

[PRESSPlus 1.](#) Updated in response to 105 ILCS 5/10-23.13 (*Erin's Law*), amended by P.A. 102-610. For more information, see the Ethics, Training, and Educator Misconduct bundle in the **PRESS** Issue 108 Update Memo, available at **PRESS** Online by logging in at www.iasb.com. **Issue 108, November 2021**

[PRESSPlus 2.](#) Required by the Elementary and Secondary Education Act (ESEA) (20 U.S.C. §7926). On 6-27-2018, the U.S. Dept. of Education issued a *Dear Colleague*

Letter stating that school policies must explicitly state this requirement. See the resources portion for the letter at: www2.ed.gov/policy/elsec/leg/essa/index.html.

Consult the board attorney about what “or has probable cause to believe, has engaged in sexual misconduct” means. For guidance, policy 5:90, *Abused and Neglected Child Reporting* defines an “alleged incident of sexual abuse” as an incident of sexual abuse of a child, as defined in 720 ILCS 5/11-9.1A, that is alleged to have been perpetrated by school personnel, including a school vendor or volunteer, that occurred: on school grounds during a school activity; or outside of school grounds or not during a school activity. **Issue 108, November 2021**

[PRESSPlus 3](#). Consult the board attorney in these situations for help about what the superintendent may or may not say. Questions exist whether the superintendent says nothing, provides a neutral reference, or whether a *recommendation* could mean positive or negative statements. **Issue 108, November 2021**

[PRESSPlus 4](#). Subheadings are added for clarity. **Issue 108, November 2021**