

**\*404.50 – Information on Past Job Performance.** This policy reflects the updated legal reference to the records which are exempt from disclosure (*See Idaho Code §74-106*). We have also included language from Idaho Code §33-1210 relating to required redaction of specific identifying information in employee records has also been added to the policy.

## **DEFINITIONS**

“Applicant” means an applicant for employment in a certificated or non-certificated position with this school district who is currently or was previously employed by a school district.

“Employer” means a school district employer, regardless of location.

## **RELEASE OF PERSONNEL RECORDS**

Before hiring an applicant for a certificated or non-certificated position with the district, the individual will be requested to sign a statement authorizing his or her current and past school district employers, either in-state or out-of-state, to release all information relating to job performance and/or job-related conduct, if any, and make available to the school district copies of all documents in the employer’s personnel files, investigative files, or other files concerning said applicant. In the event the applicant declines to sign a statement, the applicant will not be considered for employment with this district.

Before hiring an applicant, the district will request in writing, electronic or otherwise, the information required in this policy from the applicant’s current and past employers. A copy of the authorization signed by the applicant will be included with the request.

Documentation relating to the job performance or job-related conduct of an applicant includes the following:

- All annual evaluations;
- Letters of reprimand or direction;
- Letters of commendation or award;
- Disciplinary actions and documentation of disciplinary investigations;
- Recommendations for probation, notices of probation, and notices of removal from probation;
- Recommendations for termination or nonrenewal;
- Notices of termination or nonrenewal;
- Notices from the Idaho Professional Standards Commission or other similar state agency of action taken against an individual's certificate; and
- Any rebuttal documentation filed by the employee related to any of the above documents.

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.

For applicants applying for a certificated position, a request will also be made to the office of the superintendent of public instruction for verification of certification status; any past or pending violations of the professional code of ethics; any detail as to any prior or pending conditions placed upon a certificated holder's certificate; any prior or pending revocation, suspension, or the existence of any prior letters of reprimand; and information relating to job performance.

*Applicants with no prior public school work experience will also be requested to sign a release allowing school district employees to contact their previous employers and references for information relating to job performance and/or job-related conduct.*

This district may request or require an applicant to provide additional information as appropriate.

#### **NONCONTRACTED PROVISIONAL HIRING**

School districts may employ applicants on a noncontracted provisional basis. An applicant hired provisionally pending the review of personnel documents will be provided with the same compensation and benefits as other employees in similar positions, but will have no contractual or property rights until all contingencies of employment are satisfied.

The district will review prior employer personnel performance materials within thirty (30) calendar days of receipt. For individuals employed on a noncontracted provisional basis for a certificated position, a standard certificated contract will be automatically issued at the end of the thirty (30) day review period, unless prior to that time, the board articulates in writing the specific information received that justifies a decision not to issue a standard contract. Any reason articulated by the board must be derived only from the documents received in the personnel file and may not be based upon any event that has occurred during the period of time the employee had the status as a noncontracted provisional certified professional employee.

*Individuals provisionally employed in a non-certificated position will be automatically hired as an at-will employee at the end of the thirty (30) day review period, unless prior to that time, the board articulates in writing the specific information received which justified a decision to terminate the provisional employment.*

#### **FAILURE TO RECEIVE DOCUMENTS FROM OUT-OF-STATE EMPLOYERS**

An applicant who has signed the required release statement will not be prevented from gaining employment in Idaho public schools if the laws or policies of another state prevent documents from being made available to Idaho school districts, or if the out-of-state school district fails or refuses to cooperate with the request. If no documentation is going to be forthcoming from an out-of-state employer, the Idaho district may initially employ the applicant on a standard contract and not utilize conditional basis employment.

**NONDISCLOSURE**

Information received pursuant to this policy will be used only for the purpose of evaluating an applicant’s qualifications for employment in the position in which the individual has applied. Except as provided by law, a board member or employee of this school district will not disclose the information to any person, other than the applicant, who is not directly involved in the process of evaluating the applicant’s qualifications for employment. A person who releases an applicant’s information in violation of this provision may be civilly liable for damages caused by such violation.



**LEGAL REFERENCE:**

Idaho Code Sections

74-106 – Records Exempt from Disclosure – Personnel Records, Personal Information, Health Records, Professional Discipline

33-1210 – Information on Past Job Performance

**ADOPTED: October 23, 2013**

**AMENDED: March 18, 2015, August 2018**

*\*Language in text set forth in italics is optional.*