

**ACCESS TO APPLICANT'S PAST JOB PERFORMANCES EMPLOYMENT HISTORY
POLICY**

DEFINITIONS

“Applicant” is defined as 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” is defined as a school district employer, regardless of location.

“Thirty-day review period” is defined as the 30 calendar days after receipt of an applicant’s personnel documents from another school district employer.

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 the applicant’s current and past school district employers, either in-state or out-of-state, to release all information relating to the job performance and/or job related conduct, and make available to the school district copies of all documents in the current or past employer’s personnel files, investigative files, or other files. In the event the applicant declines to sign a statement, the applicant will not be considered for employment with the district.

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 relative to any of the above documents.

The Mountain Home School District shall request the information described above in writing, or electronically. The district shall additionally request from the State Superintendent of

Public Instruction verification of the 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, suspensions, or the existence of any prior letters of reprimand, and any information relating to job standards performance, verbal or physical abuse, or sexual misconduct pursuant to the rules adopted by the state board of education, and shall include whether the then employing district concluded that the abuse or misconduct resulted in the employee's leaving his or her position with that district.

This district may request additional information regarding any applicant as it determines appropriate.

Applicants who have signed the required statement shall not be prevented from being employed by the district if the relevant out of state employers are prevented from making the requested materials available due to policy or law of the other state, or if the out of state district fails or refuses to cooperate with the request.

PROVISIONAL HIRING

The district may hire an applicant on a conditional basis pending the completion of review of the information obtained pursuant to the requests. An applicant hired provisionally pending the review of documents shall be provided with the same compensation and benefits as other employees in similar positions.

1. Applicants for certificated positions

- For individuals employed on a non-contracted provisional basis for a certificated position, a standard certificated contract will be automatically issued at the end of the 30- day review period, unless prior to that time, the board articulates in writing the specific information received which 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 non-contracted provisional certified professional employee.

2. Applicants for non-certificated positions

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

PERMITTED USE OF INFORMATION

All information received by the district 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 applicant has applied. Except as provided by law, a board member, or employee of this school district shall 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. Any person who releases or discloses an applicant's information in violation of this provision may be civilly liable for damages caused by such violation.

REQUESTS FOR INFORMATION REGARDING CURRENT OR PREVIOUS EMPLOYEES

Not later than twenty (20) business days after receipt of a written or electronic request from another Idaho district pursuant to the above signed statement, the district shall provide the information requested and shall provide copies of all documents in the applicant's personnel record relating to job performance.

FAILURE TO RECEIVE DOCUMENTS

In the event a request for documents is sent to an out-of-state employer with a signed consent, and the out-of-state school district fails or refuses to cooperate with the request, this school district may employ the applicant without utilizing conditional employment.

The District will not provide prospective employers with copies of a current or former employee's personnel file. The employee is responsible for requesting a copy of his/her personnel file and forwarding it to the prospective employer.

Any and all information regarding a substance abuse testing program will be held confidential by the District.

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.



LEGAL REFERENCE:

Idaho Code Sections
9-340C(1)
33-1210

ADOPTED: Sep 18, 2012

Revised: June 20, 2017