

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

2 **POLICY**

3
4 **DEFINITIONS**

5
6 “Applicant” ~~means is defined as~~ an applicant for employment in a certificated or
7 non-certificated position with this school district who is currently or was previously
8 employed by a school district.

9
10 “Employer” ~~means is defined as~~ a school district employer, regardless of location.

11
12 “~~Thirty day review period~~” ~~is defined as the 30 calendar days after receipt of an~~
13 ~~applicant’s personnel documents from another school district employer.~~

14
15 **RELEASE OF PERSONNEL RECORDS**

16
17 Before hiring an applicant for a certificated or non-certificated position with the district, the
18 ~~individual will be requested~~ **district will request the applicant** to sign a statement
19 authorizing **his or her** ~~the applicant’s~~ current and past school district employers, either in-
20 state or out-of-state, to release all information relating to ~~the~~ job performance and/or job
21 related conduct, **if any**, and make available to the school district copies of all documents in
22 the ~~current or past~~ employer’s personnel files, investigative files, or other files **concerning**
23 **said applicant. The statement will include a release of the applicant’s current and past**
24 **employers, and employees acting on behalf of that employer, from any liability for**
25 **providing the information described herein.** In the event the applicant declines to sign a
26 statement, the applicant will not be considered for employment within ~~this~~ **the** district.

27
28 **Before hiring an applicant, the district will request in writing, electronic or otherwise,**
29 **the information required in this policy from the applicant’s current and past employers.**

30 A copy of the authorization signed by the applicant will be included with the request.

31

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

34

- 35 • All annual evaluations;
- 36 • Letters of reprimand or direction;
- 37 • Letters of commendation or award;
- 38 • Disciplinary actions and documentation of disciplinary investigations;
- 39 • Recommendations for probation, notices of probation, and notices of removal
40 from probation;
- 41 • Recommendations for termination or nonrenewal;
- 42 • Notices of termination or nonrenewal;
- 43 • Notices from the Idaho Professional Standards Commission or other similar
44 state agency of action taken against an individual's certificate; and
- 45 • Any rebuttal documentation filed by the employee **related relative** to any of the
46 above documents.

47

48 ~~The Mountain Home School District shall request the information described above in writing,~~
49 ~~or electronically. The district shall additionally request from the~~ **For applicants applying**
50 **for a certificated position, a request will also be made to the office of the State**
51 **Superintendent of Public Instruction for verification of certification status; any past or**
52 **pending violations of the professional code of ethics; any detail as to any prior or pending**
53 **conditions placed upon a certificated holder's certificate; any prior or pending revocation,**
54 **suspension, or the existence of any prior letters of reprimand; and information relating to job**
55 **performance, any verbal or physical abuse, or sexual misconduct pursuant to the rules**
56 **adopted by the state board of education, and shall include whether the then employing district**
57 **concluded that the abuse or misconduct resulted in the employee's leaving his or her position**
58 **with that district.**

59

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

63
64 This district may request additional information regarding any applicant as it determines
65 appropriate.

66
67 ~~Applicants who have signed the required statement shall not be prevented from being~~
68 ~~employed by the district if the relevant out of state employers are prevented from making the~~
69 ~~requested materials available due to policy or law of the other state, or if the out of state~~
70 ~~district fails or refuses to cooperate with the request.~~

71
72 **NONCONTRACTED PROVISIONAL HIRING**

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74 **This district may employ applicants on a noncontracted provisional basis as set forth in this**
75 **policy. An applicant hired provisionally pending the review of personnel documents will be**
76 **provided with the same compensation and benefits as other employees in similar positions,**
77 **but will have no contractual or property rights until all contingencies of employment are**
78 **satisfied.** ~~The district may hire an applicant on a conditional basis pending the completion of~~
79 ~~review of the information obtained pursuant to the requests. An applicant hired provisionally~~
80 ~~pending the review of documents shall be provided with the same compensation and benefits as~~
81 ~~other employees in similar positions.~~

82
83 The district will review prior employer personnel performance materials within thirty (30) calendar
84 days of receipt. For individuals employed on a noncontracted provisional basis for a certificated
85 position, a standard certificated contract will be automatically issued at the end of the thirty (30)
86 day review period, unless prior to that time, the Board articulates in writing the specific
87 information received that justifies a decision not to issue a standard contract. Any reason
88 articulated by the Board must be derived only from the documents received in the personnel file
89 and may not be based upon any event that has occurred during the period of time the employee
90 had the status as a noncontracted provisional certified professional employee.

91
92 **Individuals provisionally employed in a non-certificated position will be automatically hired**
93 **as an at-will employee at the end of the 30-day review period, unless prior to that time, the**
94 **board articulated in writing the specific information received which justified a decision to**
95 **terminate the provisional employment.**

96 **1. Applicants for certificated positions**

- 97
- 98 • For individuals employed on a non-contracted provisional basis for a certificated
99 position, a standard certificated contract will be automatically issued at the end of the
100 30-day review period, unless prior to that time, the board articulates in writing the
101 specific information received which justifies a decision not to issue a standard
102 contract. Any reason articulated by the board must be derived only from the
103 documents received in the personnel file and may not be based upon any event that
104 has occurred during the period of time the employee had the status as a non-contracted
105 provisional certified professional employee.

106

107 **2. Applicants for non-certificated positions**

- 108
- 109 • Any reason articulated by the board must be derived only from the documents
110 received in the personnel file and may not be based upon any event that has occurred
111 during the period of time the employee had the provisional employment status.

112

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

114

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

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

125
126 The District will not provide prospective employers with copies of a current or former
127 employee's personnel file. The employee is responsible for requesting a copy of his/her
128 personnel file and forwarding it to the prospective employer.

129
130 Any and all information regarding a substance abuse testing program will be held
131 confidential by the District.

132
133 This District will not maintain a blacklist or notify any other employer that any current or
134 former employee has been blacklisted by this District, for the purpose of preventing the
135 employee from receiving employment.

136
137 **NONDISCLOSURE PERMITTED USE OF INFORMATION**

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139 All information received by the district pursuant to this policy will be used only for the purpose of
140 evaluating an applicant's qualifications for employment in the position in which the applicant has
141 applied. Except as provided by law, a board member, or employee of this school district shall not
142 disclose the information to any person, other than the applicant, who is not directly involved in the
143 process of evaluating the applicant's qualifications for employment. Any person who releases or
144 discloses an applicant's information in violation of this provision may be civilly liable for damages
145 caused by such violation.

146
147 **~~REQUESTS FOR INFORMATION REGARDING CURRENT OR PREVIOUS~~**
148 **~~EMPLOYEES~~**

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

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155 ◆◆◆◆◆

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157 **LEGAL REFERENCE:**

158 Idaho Code Sections

159 ~~74-106 9-340C(1)~~ – Records Exempt from Disclosure – Personnel Records, Personal
160 Information, Health Records, Professional Discipline

161 33-1210 – Information on Past Job Performance

162
163
164 **ADOPTED:** Sep 18, 2012

Revised: June 20, 2017