

Policies

Home Policies Listing Policy - GBLB

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Policy REFERENCES

Descriptor Code: GBLB

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Definitions

Employee – Any staff member or student teacher of the School District of Washington.

Former Employee – An employee who was terminated or resigned or whose contract was nonrenewed; an employee who has been notified that his or her contract with the district will not be renewed or that the district is pursuing termination, even if the process has not been completed.

Potential Employer – Another school district, business or person seeking to hire a current or former employee or screening the current or former employee for a volunteer position, internship or other activity.

Reference – Information regarding the employment of, or services provided by, a current or former employee including, but not limited to, specific information regarding dates of employment or service, salary, job duties, performance or character.

Sexual Misconduct – Includes, but is not limited to, any conduct with a student, on or off district property, that could constitute a crime that is sexual in nature under Chapter 566 of the Missouri Revised Statutes, including, but not limited to, the crime of sexual misconduct; any conduct with a student that could constitute a serious violation of policy AC, as determined by the district; any conduct that is inappropriate and of a sexual nature that endangers the welfare of a student or students, as determined by the district; or child abuse involving sexual behavior, as determined by the Children's Division (CD) of the Department of Social Services.

General

The district will maintain information regarding current and former employees as confidential within the limits of the law. Only the superintendent, assistant superintendent for human resources or a person or persons specifically designated in writing by the superintendent or assistant superintendent for human resources may respond on behalf of the district to a reference request for a current or former employee. District employees must direct reference requests to the superintendent, assistant superintendent for human resources or designee. Upon request, employees will assist the superintendent, assistant superintendent for human resources or designee with the preparation of accurate reference information.

Content

In accordance with law, the following information about employees will be provided to any member of the public upon request:

1. Names
2. Positions
3. Salaries
4. Lengths of service

In response to a reference request, the superintendent, assistant superintendent for human resources or designee may provide information regarding the employee's work performance, including, but not limited to:

1. The information listed above (name, position, salary and length of service).
2. A description of the employee's job duties when employed.
3. Additional district-sponsored committees, activities or duties the employee volunteered for or was designated to perform.
4. Honors and awards received by the employee.
5. Factual information on work performance.
6. Whether the employee resigned or was nonrenewed or terminated. Based on documentation in the personnel file, potential employers will be notified if the employment was ended due to the financial condition of the district, a decrease in enrollment or reorganization of the department, school or district.
7. When requested, a "yes" or "no" answer to a question about whether the district would re-employ the current or former employee if an appropriate position existed or whether the superintendent would recommend re-employment.

8. Allegations of sexual misconduct with a student as required below.

Disclosing Allegations of Sexual Misconduct to Other Public Schools

If a potential public or charter school employer requests a reference regarding a former employee whose job involved contact with children, the district will, in accordance with state law, notify the potential public or charter school employer if the employee was terminated, nonrenewed or allowed to resign in lieu of termination (whether through a separation agreement or otherwise) as a result of allegations of sexual misconduct with a student or as a result of such allegations being substantiated by the CD's child abuse and neglect review board.

If a potential public or charter school employer contacts the district for a reference for any former employee about whom the CD has investigated allegations of sexual misconduct with a student and reached a finding of substantiated, the district will provide the results of the CD investigation to the potential public or charter school employer, regardless of whether the employee's job involved contact with children.

Recordkeeping

When the district is contacted for a reference for a current or former employee, the superintendent, assistant superintendent of human resources or designee will document the date, the name of the person and entity requesting the information, the person responding to the request, the method of disclosure, the information provided and, when applicable, the consent received.

Notice

The district will notify all current employees of this policy. The superintendent, assistant superintendent of human resources or designee will provide notification of the existence of this policy to all potential employers who contact the district for a reference. The notification must also include a statement that the district's responses are limited to the scope of this policy. The district will also provide copies of the policy to former employees upon request.

Immunity

Any district employee who is permitted under this policy to respond to requests for **references** regarding former employees and who communicates only the information authorized by this policy in good faith and without malice is entitled to immunity against any civil action for damages brought by the former employee arising out of the communication of such information, in accordance with law. District employees responding to requests for **references** in accordance with this policy may request the attorney general to defend them if sued.

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Note: *The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

Washington

Original Adopted Date: 6/20/2012

Last Revised: 7/30/2014

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

| State Reference | Description |
|---------------------------------|---|
| §162.068, RSMo. | State Statute |
| §290.152, RSMo. | State Statute |
| §610.021, RSMo. | State Statute |
| MO COURT | Jamison v. State Dept. of Soc. Serv., 218 S.W.3d 399 (Mo. 2007) |
| Policy Reference | Description |
| AC | PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND RETALIATION |
| BDC | CLOSED MEETINGS, RECORDS AND VOTES |
| BDDL | RELEASE OF INFORMATION |
| JHG | REPORTING AND INVESTIGATING CHILD ABUSE/NEGLECT |
| KBA | PUBLIC'S RIGHT TO KNOW |