

2016 ISBA RESOLUTION NO. 12

INFORMATION ON PAST JOB PERFORMANCE REQUIREMENTS

WHEREAS, Section 33-1210 (2)(a), Idaho Code requires all Idaho school districts to obtain a signed statement from an applicant authorizing the applicant's current and past employers, including employers outside of the State of Idaho, to release to the hiring school district all information related to job performance and/or job related conduct; and

WHEREAS, Section 33-1210 (2)(b), Idaho Code requires all Idaho school districts to obtain documentation relating to the job performance or job related conduct of any employee/applicant as defined, and may be limited, by the producing district to include: all annual evaluations, letters of reprimand, letters of direction, letters of commendation or award, disciplinary actions and documentation of disciplinary investigations, recommendations for probation, notices of probation, notices of removal from probation, recommendations for termination or nonrenewal, notices from the Professional Standards Commission of Idaho or any other such 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; and

WHEREAS, Section 33-1210 (2)(c), Idaho Code requires all Idaho school districts to release the applicant's current and past employers, and employees acting on behalf of that employer, from any liability for providing information described by obtaining a signed statement from an applicant authorizing the applicant's current and past employers, including employers outside of the state of Idaho, to release to the hiring school district all information related to job performance and/or job related conduct; and

WHEREAS, Section 33-1210 (2), Idaho Code is intended to protect school districts from employing personnel that may not be forthcoming in divulging past performance or unethical actions that may impact student achievement or safety; and

WHEREAS, Section 33-1210 (2), Idaho Code requires other Idaho school districts to provide this information within twenty (20) days of the request for information; and

WHEREAS, Section 33-1210 (2), Idaho Code provides a possible advantage to out of state applicants where previous employers may refuse to send the documentation; and

WHEREAS, Section 33-1210 (2), Idaho Code results in costs to school districts due to the requirement to redact all information pertaining to students and other people mentioned within the information required to be forwarded; and

WHEREAS, Section 33-1210 (2), Idaho Code could be modified to reduce the time required to review the files and to expedite the gathering of information, and still meet the legislative intent;

NOW THEREFORE BE IT RESOLVED, that the Idaho School Boards Association work with the Idaho Legislature to amend Idaho Code to modify the request for information to a check off system and to allow the hiring agent to be granted permission to contact the past employer for more information only if needed.

STATEMENT OF PURPOSE

School districts understand the need to assure their community that they have taken every precaution to employ the most qualified personnel. One of these precautions is to review the previous employment history of a desired candidate. Prior to the current law being enacted, some school districts would not reveal all the pertinent information about employees. As such, the hiring district was not able to make a fully informed decision. Consequently, it is agreed that requiring information to be presented in some manner to the hiring district should be continued to assure we have the best instructors working with our students. However, some modifications should be considered to expedite the process and reduce district costs by gathering only the information that allows the hiring district to make an informed decision.

It is recommended that a document be created that consists of a check box format asking the employer to identify whether their past employee had anything within the applicant's personnel file that is listed within Section 33-1210 (2)(b), Idaho Code. This document would be utilized rather than requesting the entire personnel file and more information could be requested if needed.

Submitted by Moscow School District No. 281

PASSED	AYES	3599
	NAYES	81
	TOTAL	3680