

Procedure 5500-P(1): Personnel Records - Procedures for Releasing Personnel Records to Hiring School Districts **Status:** Approved

1. No later than 20 days after receiving a request from a hiring school district under the provisions of I. C. § 331210 the District shall provide the information requested and make available to the hiring school district copies of all documents in the past or current employee's personnel file relating to job performance or job related conduct. *[NOTE: The District may provide records in electronic format.]*

Pursuant to State law, the only information or documentation that the District must provide pursuant to a request under I.C. § 33-1210 is:

- A. All annual evaluations;
- B. Letters of reprimand;
- C. Letters of direction;
- D. Letters of commendation or award;
- E. Disciplinary actions and documentation of disciplinary investigations;
- F. Recommendations for probation;
- G. Notices of probation and notices of removal from probation;
- H. Recommendations for termination or nonrenewal;
- I. Notices of termination or nonrenewal;
- J. Notices from the professional standards commission of Idaho or any other such similar state agency of action taken against an individual's certificate; and
- K. Any rebuttal documentation filed by the employee relative to any of the above documents.

In an effort to save time and expense in responding to such requests, the District will provide only the above information in response to a request for documentation under I.C. § 33-1210. Names of students or fellow employee complainants, other than the employee's administrative evaluator or other administrative authors of communication to the employee, shall be redacted from information provided in response to a request.

2. No Board member or District employee shall enter into any agreement that has the effect of suppressing information about negative job performance by a present or former employee or expunge information about performance or misconduct from any document in an employee personnel file.
3. In fulfilling a request from a hiring school district, the District may choose to expunge information from an employee's personnel file relating to alleged verbal or physical abuse or sexual misconduct that has not been substantiated.
4. In fulfilling a request from a hiring school district, the District shall expunge information from an employee's personnel file on any materials for which disclosure would violate FERPA, HIPAA, or any other applicable federal law. The District shall also redact student names from investigative or other documentation in the employee or former employee's file as well as any medical documentation.
5. No District employee who, in good faith, discloses information to the hiring school district either in writing, printed material, electronic material, or orally shall be held civilly liable for the disclosure.

Legal References

29 CFR § 516.2

29 CFR § 516.3

29 USC § 201 et seq.

IC § 33-1210

IC § 33-517

IC § 33-518

IC § 74-106

Cross References**Description**

Employees Subject to Minimum Wage or Minimum Wage and Overtime Provisions Pursuant to Section 6 or Sections 6 and 7(a) of the Act.

Bona Fide Executive, Administrative, and Professional Employees (Including Academic Administrative Personnel and teachers in Elementary or Secondary Schools), and Outside Sales Employees Employed Pursuant to Section 13(a)(1) of the Act.

The Fair Labor Standards Act of 1985

Information on Past Job Performance

Non-Certificated Personnel

Employee Personnel Files

Records Exempt from Disclosure

Code

3085

3085

3085

3085

4260

4260

5100

5100

5100

5100

5100

5100

5100

5205

5240

5240

5330

5330

5340

5340

5820

Description

Sexual Harassment, Discrimination, and Retaliation Policy

Sexual Harassment, Discrimination, and Retaliation Policy

Sexual Harassment, Discrimination, and Retaliation Policy

Sexual Harassment, Discrimination, and Retaliation Policy

Records Available to Public

Records Available to Public

Hiring Process and Criteria

Hiring Process and Criteria

Hiring Process and Criteria

Hiring Process and Criteria

Hiring Process and Criteria

Hiring Process and Criteria

Job Descriptions

Sexual Harassment/Intimidation in the Workplace

Sexual Harassment/Intimidation in the Workplace

Employee Electronic Mail and Online Services Usage

Employee Electronic Mail and Online Services Usage

Evaluation of Certificated Personnel

Evaluation of Certificated Personnel

Evaluation of Non-Certificated Staff