

Employee Reference and Letter of Recommendations - DJ

Required Employment Reference Check

For purposes of this section:

“Physical Abuse” and “Sexual Abuse” have the same meanings as defined in Utah Code § 78A-6-105.

“Child” means an individual younger than 18 years of age.

“Qualifying position” means paid employment that requires the employee to directly care for, supervise, control, or have custody of a child.

“Unsupervised volunteer assignment” means a volunteer assignment that allows the volunteer significant unsupervised access to a student.

“Potential volunteer” means an individual who has (1) volunteered for (but has not been given) and unsupervised volunteer assignment and (2) has worked in a qualifying position within the prior three years.

Before hiring any employee or considering a prospective volunteer for an unsupervised volunteer assignment, the District shall require the applicant to identify any qualifying position employers (at any time) and shall require the potential volunteer to identify any qualifying position employers within the last three years. The District shall require the applicant or potential volunteer to sign a release authorizing position employers to disclose information regarding any employment action taken or discipline imposed for physical or sexual abuse of a child or of a student. The District shall then use its best efforts (which shall be documented by the District to request information on such employment actions or discipline from the most recent qualifying position employer of the applicant or prospective volunteer. If the applicant or prospective volunteer does not sign the required release, the District shall not hire the applicant or give the prospective volunteer an unsupervised volunteer assignment.

~~an educator or any individual who will have significant unsupervised access to students, the District shall obtain references and a discipline record from prior employers of the individual being considered for hiring. To the extent that the District is unable to obtain such references and records because prior employers are not willing to provide such information, the District shall proceed as established by regulations of the State Board of Education or according to direction from the State Office of Education. In addition, the lack of reference and discipline information may be considered in making the hiring decision.~~

~~A volunteer who will have significant unsupervised access to students is considered an employee for reference and discipline purposes. In obtaining reference information regarding prospective volunteers, the District shall proceed as established by regulations of the State Board of Education or according to direction from the State Office of Education.~~

~~Utah Code § 53A-6-402(4) (2015)~~

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The District shall also obtain information from an applicant or prospective volunteer as provided for in Policy DAC, Employment: Background Checks and may request such other information, consistent with state or federal law, as may be appropriate in evaluating the applicant or prospective volunteer.

Utah Code § 53A-15-1511 (2016)

Who May Give Information Regarding Ex-Employees

The Superintendent or the Principal of a school in which an employee previously worked may provide information in response to requests by prospective employers of former employees.

Information to be Given to the State Board of Education

The District shall upon request provide to the State Board of Education a recommendation or other information, which has significance in evaluating the license of an educator or education license holder, or the potential licensure of an education license applicant.~~employment or licensure of a current or prospective school employee, an educator, an education license holder, or an education license applicant.~~

Utah Code §53A-6-402(2) (2015)(2016)

Information that May Be Given

Information may be provided that could have significance in evaluating the employment or licensure of an employee, including:

1. The dates of commencement and end of employment in the School District;
2. Whether the job performance was rated excellent, good, satisfactory, needs improvement or unsatisfactory in evaluations during the last two years of employment or any like rating of performance;
3. Any statements in the employee file regarding professional conduct;
4. Any reasons stated for termination of employment or probation; and
5. Any statements regarding sexual harassment or conduct that may be criminal in nature if charges were actually filed.

Utah Code Ann. § 53A-6-402 (2015)(2016)

Letters of Recommendation

The Superintendent or a school principal having had administrative duties in relation to a former employee may provide a “letter of recommendation” for use by a former employee that assesses the job performance and professional conduct of the former employee.