



Book	Policy Manual
Section	8000 Operations
Title	REVISED POLICY - VOL. 17, NO. 2 - LETTERS OF REFERENCE AND DISCLOSURE OF INFORMATION REGARDING FORMER OR CURRENT EMPLOYEES
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REVISED POLICY - VOL. 17, NO. 2

8340 - LETTERS OF REFERENCE AND DISCLOSURE OF INFORMATION REGARDING FORMER OR CURRENT EMPLOYEES

The School Board recognizes that an employee or former employee's request to a Board member, an administrator, or any other District employee, for a letter of reference is an opportunity to share information about the staff member's performance with a prospective employer or other interested party. A current or former employee shall have no expectation that a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the individual being asked to provide the letter.

If a Board member or District employee opts, however, to prepare a reference letter, that individual is expected to provide specific and truthful comments concerning the employee or former employee's actual performance that can be substantiated by the individual's personal knowledge and/or the employee's personnel file.

In accordance with law, a Board member, administrator, or colleague who, in the scope of his/her employment, provides a letter of reference may be entitled to a qualified privilege for statements included in that reference letter, provided such statements were made in good faith, without malice, and in accordance with this policy.

Letters of Reference and Disclosure of Information Regarding Former or Current Employees

The School Board recognizes that a current or former employee's request to a Board member or District employee for a letter of reference is an opportunity to share information about the individual's performance with a prospective employer. A current or former employee shall have no expectation that a letter of reference will be written upon request. Such a decision shall be solely at the discretion of the individual being asked to provide the letter.

If a Board member or employee opts to prepare a letter of reference, they are expected to provide specific and truthful comments concerning the current or former employee's actual performance that can be substantiated by the individual's personal knowledge and/or the employee's personnel file.

In accordance with State law, a Board member or employee who provides a letter of reference while acting within the scope of his/her employment may be entitled to a qualified privilege for statements included in that letter of reference provided such statements were made in good faith, without malice, and in accordance with this policy.

The Board is immune from civil liability for (1) any disclosure of information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer or of the former or current employee and (2) the consequences of such disclosure. The only exception to the Board's immunity from civil liability is if it is shown by clear and convincing evidence that the information disclosed by the School Board was knowingly false or violated any civil right of the former or current employee protected under F.S. Chapter 760.

Prohibition on Aiding and Abetting Sexual Abuse

All Board employees, contractors, or agents are prohibited from assisting a Board employee, contractor, or agent in obtaining a new job if s/he knows, or has probable cause to believe, that such Board employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of State or Federal law. "Assisting" does not include the routine transmission of administrative and personnel files.

The only exceptions to the paragraph above permitted are those authorized by the Every Student Succeeds Act (ESSA). In accordance with the ESSA, the requirements of the paragraph above shall not apply if the information giving rise to probable cause:

- A. (1) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and
- (2) has been properly reported to any other authorities as required by Federal, State, or local law, including Title IX and its

regulations; and

- B. (1) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the Board employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
- (2) the Board employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct;
or
- (3) the case or investigation remains open and there have been no charges filed against, or indictment of, the Board employee, contractor, or agent within four (4) years of the date on which the information was reported to a law enforcement agency.

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Legal F.S. 768.095
 F.S. 768.28
 Art. X, Sec. 13; Fla. Constitution
 Every Student Succeeds Act

Cross References [ap8340 - PROVIDING A REFERENCE](#)

Last Modified by Sam Stalaker on May 24, 2018