

**EMPLOYMENT REFERENCES AND VERIFICATION (PROHIBITING AIDING  
AND ABETTING OF SEXUAL ABUSE**

**Category: Priority/Required by Law**

**Related Policies: [GBCD](#), [GBJ](#), [GCF](#), [GDB](#)**

The district shall act in good faith when providing employment references and verification of employment for current and former employees.

The School District, and its employees, contractors, and agents, are prohibited from providing a recommendation of employment, and/or from otherwise assisting any school employee, contractor, or agent in obtaining a new position or other employment if he/she or the District has knowledge of, or probable cause to believe that the other employee, contractor, or agent ("alleged perpetrator") engaged in illegal sexual misconduct with a minor or student. This prohibition does not include the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction.
2. The information giving rise to probable cause has been reported to any other authorities as required by local, state, or federal law (for instance New Hampshire Division of Children, Youth and Families "DCYF"), and
3. At least one of the following conditions applies:
  - a. The matter has been officially closed.
  - b. The district officials have been notified by the prosecutor or police after an investigation that there is insufficient information for them to proceed.
  - c. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated; or
  - d. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

**Current policy/version adoption:**

*First reading:* \_\_\_\_\_

*Second reading/adopted:* \_\_\_\_\_

**Previous District revision history:**

**Legal References:**

Adopted: New Castle  
Required 1<sup>st</sup> Reading: Greenland  
Required 2<sup>nd</sup> Reading: Newington  
Postponed: Rye

**GADA**

*20 U.S.C. 7926(a) (§ 8546(a) of the Elementary and Secondary Education Act/Every Student Succeeds Act*

**Legal References Disclaimer:** *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

*When adopting this sample or variation of the same, a district should not include the NHSBA history or NHSBA policy notes. The district should, to the extent possible, include its own adoption/revision history.*

**NHSBA history:** new policy, September 2018

**NHSBA policy note, September 2018:** This sample policy fulfills the requirements of §8546(a) Every Student Succeeds Act ("ESSA"), which re-authorized and amended the Elementary and Secondary Education Act ("ESEA"). That section is intended to decrease the risk that persons who have engaged in sexual misconduct while employed at one school are able to obtain employment at another school, without the second school ever learning of the prior misconduct. The law does not prohibit transmission of administrative or personnel files, but school employees, agents, etc. are prohibited from taking any other act which assists the employee in obtaining new employment. The prohibition in the statute and the policy is not limited to future employment with schools.

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