

## PERSONNEL

5390

### Employment Referrals and Prevention of Sexual Abuse

All employees, contractors, and agents of Idaho school districts and public charter schools are prohibited from providing any recommendation for employment or otherwise helping an employee, contractor, or agent of the school district or public charter school in obtaining a job if they know or have probable cause to believe the individual has engaged in sexual misconduct with a student or minor in violation of the law.

This prohibition does not include the following routine procedures regarding the transmission of administrative or personnel files.

The prohibitions shall not apply to cases in which the alleged misconduct was properly reported to law enforcement and any other authorities required by federal, state, or local law; and

1. The matter was officially closed;
2. The prosecutor or police with jurisdiction over the case investigated the allegations and notified school district or public charter school officials that there is insufficient information to establish probable cause that the individual engaged in sexual misconduct with a minor or student in violation of the law;
3. The individual alleged to have engaged in sexual misconduct with a student or minor has been charged with and acquitted or otherwise exonerated of the sexual misconduct; or
4. The case or investigation has remained opened and no indictment or other charges have been brought within four years of the date on which the information was provided to law enforcement.

Legal Reference: 20 U.S.C. 7926 Prohibition on Aiding and Abetting Sexual Abuse

### Policy History:

Adopted on: September 10, 2020

Revised: