

Disclosure of Information

Authorized district officials may disclose information about a former employee's job performance to a prospective employer. District officials are immune from civil liability for such disclosures under the following conditions:

1. Disclosure of information is upon request of the prospective employer; or
2. Disclosure of information is upon request of the former employee;
3. The information is related to job performance;
4. The action is presumed to be in good faith.
5. The disciplinary records¹ of a district employee who has been convicted of a crime listed in ORS 342.143 are not exempt from disclosure under ORS 192.501 or ORS 192.502 and may be released to any person upon request. Prior to the disclosure of a disciplinary record an education provider shall remove any personally identifiable information from the record that would disclose the identity of a child, a crime victim or a school employee who is not the subject of the disciplinary record.
6. The disclosure is the result of a request from a law enforcement agency, the Department of Human Services or the Teachers Standards and Practices Commission regarding the records of investigations of suspected child abuse by a district employee.

Presumption of good faith is rebutted by showing the information disclosed was:

1. Knowingly false;
2. Deliberately misleading;
3. Rendered with malicious purpose;
4. Violated civil rights.

¹Disciplinary records is defined as records related to a personnel discipline action or materials or documents supporting that action.

END OF POLICY

Legal Reference(s):

ORS 30.178
ORS Chapter 659
ORS Chapter 659A

SB 755 (2005)