Jefferson County Education Service District

Code: GBLA
Adopted: 7/01/20
Orig. Code: GBLA

Disclosure of Information

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

1. The disclosure of information regarding the former employee's job performance is upon request of the prospective employer or the former employee. This disclosure is presumed to be in good faith. Presumption of good faith is rebutted by showing the information disclosed was:

    a. Knowingly false;
    b. Deliberately misleading;
    c. Rendered with malicious purpose; or
    d. Violated civil right of the employee protected under Oregon Revised Statute (ORS) 659 or ORS 659A.

2. Records created pursuant to ORS 339.388(8)(c) are confidential and are not public records as defined by ORS 192.311. The ESD may use the record as a basis for providing the information required to be disclosed about an employee under ORS 339.378(1);

3. The disclosure is the result of a request from a law enforcement agency, the Oregon Department of Human Services, the Teacher Standards and Practices Commission or the Oregon Department of Education in conducting an investigation related to suspected abuse or suspected sexual conduct to the extent allowable by state and federal law, including laws protecting a person from self-incrimination;

4. Not later than 20 days after receiving a request under ORS 339.374(1)(b), the ESD, if it has or has had an employment relationship with the applicant shall disclose the information requested.

END OF POLICY

Legal Reference(s):

ORS 30.178 ORS 339.388 ORS Chapter 659A
ORS 339.370 - 339.400 ORS Chapter 659
OR. ATTORNEY GENERAL'S PUBLIC RECORDS AND MEETINGS MANUAL.