

Lane Education Service District Policy

Code: **GBLA**
Adopted: 2/22/11

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 rights.
2. The disclosure is of the disciplinary records¹ of an ESD employee who has been convicted of a crime listed in ORS 342.143. These records are not exempt from disclosure under ORS 192.501 or ORS 192.502 and shall 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.
3. 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 an ESD employee.
4. Not later than 20 days after receiving a request under ORS 339.374, an education provider that has or has had an employment relationship with the applicant shall disclose the information requested and any disciplinary records that must be disclosed as provided by ORS 339.388(7).

END OF POLICY

Legal Reference(s):

[ORS 30.178](#)
[ORS 339.370 - 339.375](#)
[ORS 339.388\(7\)](#)

[ORS Chapter 659](#)
[ORS Chapter 659A](#)

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