

General Personnel

5:150 Personnel Records

Prospective Employer Inquiries Concerning a Current or Former Employee's Job Performance

The Director or designee shall manage a process for responding to inquiries by a prospective employer concerning a current or former employee's job performance. The Director shall:

1. Execute the requirements in the Abused and Neglected Child Reporting Act whenever another school district asks for a reference concerning an applicant who is or was a KASEC employee and was the subject of a report made by a KASEC employee to Ill. Dept. of Children and Family Services (DCFS); and
2. Comply with the federal law prohibiting KASEC from providing a recommendation of employment for an employee, contractor, or agent that the KASEC knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law, but the Director or designee may follow routine procedures regarding the transmission of administrative or personnel files for that employee.
3. Manage KASEC's responses to employer requests for sexual misconduct related employment history review (EHR) information in accordance with *Faith's Law*.

When requested for information about an employee by an entity other than a prospective employer, KASEC will only confirm position and employment dates unless the employee has submitted a written request to the Director or designee.

Maintenance and Access to Records

Please refer to the applicable collective bargaining agreement(s):

For employees not covered by a current applicable bargaining agreement:

The Director or designee shall manage the maintenance of personnel records in accordance with State and federal law and Board of Education policy. Records, as determined by the Director, are retained for all employment applicants, employees, and former employees given the need for KASEC to document employment-related decisions, evaluate program and staff effectiveness, and comply with government recordkeeping and reporting requirements. Personnel records shall be maintained in KASEC's administrative office, under the Director's direct supervision.

Access to personnel records is available as follows:

1. An employee will be given access to his or her personnel records according to State law and guidelines developed by the Director.
2. An employee's supervisor or other management employee who has an employment or business-related reason to inspect the record is authorized to have access.
3. Anyone having the respective employee's written consent may have access.
4. Access will be granted to anyone authorized by State or federal law to have access.
5. All other requests for access to personnel information are governed by Board policy 2:250, *Access to KASEC Public Records*.

The Director or designee shall manage a process of responding to inquiries by a prospective employer concerning a current or former employee's job performance. The Director shall execute the requirements in the Abused and Neglected Child Reporting Act whenever another KASEC asks for a

reference concerning an applicant who is or was a Cooperative employee and was the subject of a report made by a Cooperative employee to DCFS.

When requested for information about an employee by an entity other than a prospective employer, the Cooperative will only confirm position and employment dates unless the employee has submitted a written request to the Director or designee.

LEGAL REF.:

20 U.S.C. §7926.

105 ILCS 5/22-94.

325 ILCS 5/4, Abused and Neglected Child Reporting Act.

745 ILCS 46/10, Employment Record Disclosure Act.

820 ILCS 40/, Personnel Record Review Act.

23 Ill.Admin.Code §1.660.

CROSS REF.: 2:250 (Access to KASEC Public Records), 5:90 (Abused and Neglected Child Reporting), 7:340 (Student Records)

Adopted: May 11, 2023

Kankakee Area Special Ed Cooperative
