PERSONNEL RECORDS

1. Statement of Purpose

A. The Bonneville Joint School District No. 93 maintains a complete personnel record for every employee. Such files shall be kept in the Human Resources Department. Much of the information contained in employee personnel files is confidential and access to such files should be limited to the Superintendent/designee, principal, the employee, or the employee's designee or representative. Information from personnel, investigative, or other employment-related files may also be released to school districts and other educational entities as required by Idaho Code §§ 33-145 and 33-1210.

2. Access to Information

A. A log of those persons other than the Superintendent/designee, principal or other administrative staff, will be kept indicating the date of inspection, name of person requesting access, description of the records copied, if any, and the initials of the person providing the access and/or copies of requested records.

B. In accordance with federal law, the District shall release information regarding the professional qualifications and degrees of teachers and the qualifications of paraprofessionals to parents upon request, for any teacher or paraprofessional who is employed by a school receiving Title I funds, and who provides instruction to their child at that school.

C. Access to other information contained in the personnel records of District employees is governed by Policy #4297, Public Access to District Records.

D. Pursuant to Idaho Code 33-1210, not later than twenty (20) business days after receiving a request, Human Resources shall release information regarding job performance or job related conduct~~,~~ to school districts requesting such information for hiring purposes.

E. Human Resources shall respond to requests from educational entities made pursuant to Idaho Code § 33-145 concerning a current or former employee. The District shall provide information regarding any pending or prior investigation, resignation during an investigation or in lieu of contemplated disciplinary action, or disciplinary action involving misconduct as defined by Idaho Code § 33-145. Information shall be disclosed in good faith and in accordance with applicable confidentiality and redaction requirements.

3. Employee Files

A. Employees' files should contain at a minimum the following records:

i. Application materials;

ii. Evaluation information;

iii. Rebuttals to performance evaluations;

iv. Written reprimands, directives, commendations, or awards;

v. Communications from the administration;

vi. Original statements/releases to/from hiring school districts; and

vii. Records required to be maintained or disclosed pursuant to Idaho Code §§ 33-145 and 33-1210.

B. In addition a certificated employee's official file should contain at a minimum the following additional records:

i. Certificate;

ii. Official transcripts;

iii. Lane change information;

iv. Contracts of employment; and

v. Evaluation materials.

4. Records Upon Separation from Employment

A. Upon separation from employment, all documents relating to the employee's job performance or job-related conduct maintained in an investigative or other employment-related file shall be moved into the employee's personnel file. This requirement shall not be construed as a waiver of the attorney-client privilege.

B. Before investigative documents are placed in the personnel file, the names of students, fellow employees, or complainants shall be redacted, except for the employee's administrative supervisor or an administrative author of a document.

C. The former employee shall be provided a copy of the documents and written notice that the documents have been placed in the personnel file. Notice shall be sent to the former employee's last known address, and the former employee shall be afforded an opportunity to submit a rebuttal.

D. If a personnel investigation remains pending when employment ends, the contents of the investigative file shall be forwarded to the Professional Standards Commission when the District submits a report required by Idaho Code § 33-1208A. Any resignation occurring during an investigation of misconduct, or in lieu of contemplated disciplinary action, termination, or administrative leave during such an investigation, shall also be referred to as required by Idaho Code § 33-145 and Board Policy 5280.

5. Prohibition Against Suppressing Employment Information

A. No Board member or District employee shall enter into a resignation agreement, severance agreement, contract, or other agreement that has the effect of suppressing information about a current or former employee's negative job performance or expunging information about job performance or unethical conduct from the employee's personnel, investigative, or other employment-related files. This prohibition does not prevent the District from expunging information concerning alleged verbal abuse, physical abuse, or sexual misconduct that has not been substantiated.

6. Acknowledgment of Evaluative Information

A. Each employee will have the opportunity to sign any evaluative information being placed in the employee's personnel file.

   i. Should an employee refuse to sign any entry or record in his/her personnel file, a notation shall be placed in the file documenting such refusal.

   ii. An employee cannot prevent the placement of information in his/her file by refusing to sign any document.

7. Opportunity for Rebuttal

A. The employee will have the opportunity to attach a rebuttal to any information being placed in the employee's personnel file.

B. An employee will have 10 work days from the date of written notice of placement to attach a statement or notification of rebuttal.

8. Legal References

A. 29 U.S.C. § 201, et seq. - The Fair Labor Standards Act of 1985

B. 29 C.F.R. § 516.3 - Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and outside sales employees employed pursuant to section 13(a)(1) of the Act

C. Idaho Code § 33-517 - Non-certificated Personnel

D. Idaho Code § 33-518 - Employee Personnel Files

E. Idaho Code § 33-145 - Idaho Student Safety and Educator Disclosure Act

F. Idaho Code § 33-1208A - Reporting Requirements and Immunity

G. Idaho Code § 33-1210 - Information on Past Job Performance

H. Idaho Code § 74-106 - Records Exempt from Disclosure-Personnel Files, etc.

9. Cross References

A. 4297 - Public Access to District Records

B. 5010 - Hiring Process and Criteria

C. 5130 - Classified Evaluation

D. 5140 - Evaluation of Educators and Pupil Personnel Certificate Holders

E. 5280 - Code of Ethics for Idaho Professional Educators

F. 5390 - Employment Referrals and Prevention of Sexual Abuse

10. Policy

A. Adopted: 01-11-2006

B. Reviewed: 03-11-2020

C. Revised: 09-10-2014;

11. Adoption and Revision History

A. Adopted 11-02-2005

B. Revised 12-11-2024

C. Reviewed: 10-14-2026