

Houston County Board of Education

Monitoring: Review: Annually, in January	Descriptor Term: <h2 style="text-align: center;">Recommendations and File Transfers</h2>	Descriptor Code: 5.204	Issued Date: 11/12/18
		Rescinds:	Issued: 12/11/17

Other than the routine transmission of administrative and personnel files, district employees are prohibited from assisting a school employee, contractor, or agent in obtaining a new job if the individual knows, or has probable cause to believe, that the person seeking a job change engaged in sexual misconduct regarding a minor or student in violation of the law.

These requirements shall not apply if:

1. The information giving rise to probable cause has been properly reported to the appropriate law enforcement agency; and
2. The matter has been officially closed in one of the following ways:
 - a. The prosecutor or police have investigated the allegations and notified school officials that there is insufficient information to establish probable cause;
 - b. The employee, contractor, or agent has been charged and either acquitted or exonerated; or
 - c. The case remains open, and there have been no charges or indictment filed within four (4) years of the date the information was reported to the law enforcement agency.

Neither the district nor the Board shall enter into, or require a current or former employee to enter into, a non-disclosure agreement during a settlement for any act of sexual misconduct.¹

The director of schools shall develop administrative procedures to enforce this policy and comply with federal law.

Legal References

1. 20 USCA § 7926; Public Acts of 2018, Chapter No. 938

Cross References

- Application and Employment 5.106
- Separation Practices for Tenured Teachers 5.200
- Separation Practices for Non-Tenured Teachers 5.201
- Separation Practices for Non-Certified Employees 5.202
- Child Abuse and Neglect 6.409