

NEW AMERICA SCHOOL – LAS CRUCES
POLICY REGARDING EMPLOYMENT REFERENCES/RECOMMENDATIONS

NAS-Las Cruces's policy prohibits School employees from providing positive or negative employment references or recommendations for employment outside of NAS-Las Cruces. This prohibition does not extend to requests for verification of employment dates and salary information. If asked to provide an employment reference or recommendation for a current or former NAS-Las Cruces's employee seeking employment outside of NAS-Las Cruces, staff members should refer the inquiry to the Head Administrator without comment.

In addition to the foregoing, federal law prohibits NAS-Las Cruces employees, contractors or agents from assisting a School employee, contractor or agent in obtaining a new job, apart from the transmission of administrative and personnel files, if the individual or agent knows or has probable cause to believe that the school employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

This federal law prohibition does not apply if:

- (1) The alleged misconduct has been properly reported to law enforcement and any other authorities required by Federal, State and/or local law; AND
- (2) The matter has been officially closed; the employee, contractor or agent has been exonerated; or the relevant case or investigation remains open without an indictment or other charges having been brought within 4 years of the date on which the information was provided to law enforcement.

Reference: 20 U.S.C. §7926
ESSA Section 8546

Adopted by the NAS-LC GC: November 14, 2018

Revised: _____