

Superseded 7/1/2015

53A-6-402 Evaluation information on current or prospective school employees -- Notice to employee -- Exemption from liability.

- (1)
 - (a) The office's administrator of teacher licensing may provide the appropriate administrator of a public or private school or of an agency outside the state which is responsible for licensing or certification of educators with any recommendation or other information possessed by the office which has significance in evaluating the employment or license of a current or prospective school employee, license holder, or applicant for licensing.
 - (b) Information supplied under Subsection (1)(a) may include the complete record of a hearing or the investigative report for matters which:
 - (i) the educator has had an opportunity to contest; and
 - (ii) did not proceed to a hearing.
- (2) At the request of the office's administrator of teacher licensing, an administrator of a public school or school district shall, and an administrator of a private school may, provide any recommendation or other information possessed by the school or school district which has significance in evaluating the employment or licensure of a current or prospective school employee, license holder, or applicant for licensing.
- (3) If a decision is made to deny licensure, to not hire a prospective employee, or to take action against a current employee or educator based upon information provided under this section, the affected individual shall receive notice of the information and be given an opportunity to respond to the information.
- (4) A person who, in good faith, provides a recommendation or discloses or receives information under this section is exempt from civil and criminal liability relating to that recommendation, receipt, or disclosure.
- (5) For purposes of this section, "employee" includes a volunteer.