

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

**BP 4112.61 4212.61, 4312.61
Personnel**

EMPLOYMENT REFERENCES

The Superintendent or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than himself/herself. All letters of recommendation to be issued on behalf of the district for current or former employees must be approved by the Superintendent or designee.

At his/her discretion, the Superintendent or designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful and complete account of the employee's job performance and qualifications.

An employee, acting in an individual capacity and outside the scope of employment, may prepare during non-working time only, a letter of recommendation/reference at the request of a current or former employee. Any such letter shall: 1) not be on any stationery from the District; 2) state clearly that it was not prepared on behalf of the District; and, 3) state clearly that the writer has no authority on behalf of the District to comment on any matter related to the performance of a current or former employee.

No certificated employee shall write or sign any letter or memorandum which intentionally omits significant facts, or which states as facts matters which the writer does not know of his/her own knowledge to be true, relating to the professional qualifications or personal fitness to perform certificated services of any person who the writer knows will use the letter or memorandum to obtain professional employment.

No certificated employee shall agree to provide a positive letter of recommendation which misrepresents facts as a condition of another employee's resigning or withdrawing action against the district.

Legal Reference:

LABOR CODE

1050-1054 Reemployment privileges

CIVIL CODE

47 Privileged communication

CODE OF CIVIL PROCEDURE

527.3 Labor disputes

CODE OF REGULATIONS, TITLE 5

80332 Professional candor and honesty in letters or memoranda of employment recommendation

COURT DECISION:

Randi W. v. Muroc Joint Unified School District et al., (1997) 14 Cal. 4th 1066

Date approved by Board: June 10, 2014