

MicroSociety Academy Charter School Employment References and Verification: Prohibiting the Aiding and Abetting of Sexual Abuse Policy

MACS shall act in good faith when providing employment references and verification of employment for current and former employees.

MACS and its employees, contractors, and agents, are prohibited from providing a recommendation of employment, and/or from otherwise assisting any school employee, contractor, or agent in obtaining a new position or other employment if he/she or the school has knowledge of, or probable cause to believe that the other employee, contractor, or agent (“alleged perpetrator”) engaged in illegal sexual misconduct with a minor or student. This prohibition does not include the routine transmission of administrative and personnel files.

In addition, this prohibition does not apply if:

1. The information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction; and
2. The information giving rise to probable cause has been reported to any other authorities as required by local, state or federal law (for instance New Hampshire Division of Children, Youth and Families “DCYF”), and
3. At least one of the following conditions applies:
 - a. The matter has been officially closed by the prosecutor or police with jurisdiction; or
 - b. The school officials have been notified by the prosecutor or police after an investigation that there is insufficient information for them to proceed; or
 - c. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged mixed conduct; or
 - d. The case or investigation remains open and there have been no charges filed against or indictment of the school

employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

Legal References:

20 U.S.C. 7926(a) (§8546(a) of the Elementary and Secondary Education Act/Every Student Succeeds Act

School Policy History:

First reading: 1/30/2020

Second reading/adopted: 2/12/2020