

**Regulation 4212.61: Employment References**      **Status: ADOPTED**

**Original Adopted Date:** 09/01/1989 | **Last Revised Date:** 07/01/2017 | **Last Reviewed Date:** 07/01/2017

The Superintendent or designee shall be responsible for processing requests for employment 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 shall be approved by the Superintendent or designee. At his/her discretion, the Superintendent or designee may refuse to give a recommendation.

The Superintendent or designee may communicate information about the job performance or qualifications of a current or former district employee when such information is based upon credible evidence and is given to a prospective employer without malice and at the prospective employer's request. (Civil Code 47)

Any reference, letter of recommendation, or information provided about the reasons for separation issued on behalf of the district shall provide a truthful and accurate account of the employee's job performance and qualifications.

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. (5 CCR 80332)

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. (5 CCR 80332)

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| <p><b>State</b><br/>5 CCR 80332</p> <p>Civ. Code 47<br/>Lab. Code 1050-1054</p> <p><b>Management Resources</b><br/>Court Decision</p> <p>Court Decision</p> <p>Website</p> | <p><b>Description</b><br/>Professional candor and honesty in letters or memoranda of employment recommendation</p> <p><u>Privileged communication</u><br/><u>Reemployment privileges</u></p> <p><b>Description</b><br/>Board of Trustees of Leland Stanford Junior University v. Superior Court (1981) 119 Cal. App. 3d 516<br/>Randi W. v. Muroc Joint Unified School District et al. (1997) 14 Cal. 4th 1066<br/><u>CSBA District and County Office of Education Legal Services</u></p> |
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| <b>Code</b> | <b>Description</b> |
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| 4111   | <u>Recruitment And Selection</u> |
| 4112.6 | <u>Personnel Files</u>           |
| 4117.5 | <u>Termination Agreements</u>    |
| 4211   | <u>Recruitment And Selection</u> |
| 4212.6 | <u>Personnel Files</u>           |
| 4217.5 | <u>Termination Agreements</u>    |
| 4311   | <u>Recruitment And Selection</u> |
| 4312.6 | <u>Personnel Files</u>           |
| 4317.5 | <u>Termination Agreements</u>    |