

**STATE OF NEW JERSEY
SEXUAL MISCONDUCT/ABUSE DISCLOSURE RELEASE FORM
(UNDER P.L. 2018, CHAPTER 5)**

(Hiring school entity or independent contractor submits this form to ALL current employer(s) and former employers within the past 20 years that were school entities and/or where the applicant had direct contact with children)

To:

Name of Current or Former Employer:
Street Address:
City, State, Zip:
Telephone Number:

<input type="checkbox"/> No Applicable Employment

The named applicant is under consideration for a position with the Berlin Township Board of Education. The State of New Jersey has determined that additional safeguards are necessary in the hiring of school employees to ensure the safety of students. The individual whose name appears below has reported previous employment with your entity. We request you provide the information requested in Section 2 of this form within **20 days** as required by P.L. 2018, c. 5.

SECTION 1: APPLICANT CERTIFICATION AND RELEASE (TO BE COMPLETED BY THE APPLICANT EVEN IF THE APPLICANT HAS NO CURRENT OR PRIOR EMPLOYMENT TO DISCLOSE)

Applicant's Name (First, Middle, Last)
Any Former names by which the applicant has been identified:
DOB:
Last 4 Digits of Applicant's Social Security Number:
Approximate dates of employment with the entity listed above:
Position(s):

Have you (the Applicant) ever:

Yes _____ No _____ Been the subject of a child abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement, the Department of Children and Families, or other child protective services agency (unless the investigation resulted in a finding that the allegations were false or the incident of child abuse or sexual misconduct was not substantiated)?

Yes _____ No _____ Been disciplined, discharged, non-renewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct?

Yes _____ No _____ Had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct?

By signing this form, I certify under penalty of law that the statements made in this form are true, correct, and complete. I understand that any false statements herein, including, without limitation, any willful failure to disclose the information required, shall subject me to criminal prosecution under N.J.S.A. 2C:28-3 (relating to unsworn falsification to authorities) and/or to discipline, up to and including termination or denial of employment, a fine up to \$500, and may subject me to civil penalties in accordance with the Penalty Enforcement Law of 1999, P.L. 1999, c. 274. I also hereby authorize the above-named employer to release to the entity listed below, the information requested in SECTION 2 of this form and any related records. I hereby release, waive, and discharge the above-named employer from any and all liability of any kind that may arise from such disclosure or the release of any related records.

Signature of Applicant

Date

SECTION 2: CURRENT/FORMER EMPLOYER VERIFICATION (TO BE COMPLETED BY THE APPLICANT'S CURRENT EMPLOYER(S) AND ALL FORMER EMPLOYERS WITHIN THE PAST TWENTY YEARS THAT WERE SCHOOL ENTITIES AND/OR WHERE THE APPLICANT HAD DIRECT CONTACT WITH CHILDREN)

Employing Entity Receipt Date _____

Received by _____

Contact Telephone # _____

Dates of Employment of Applicant _____

To the best of your knowledge, has the Applicant ever:

Yes _____ No _____

Been the subject of a child abuse or sexual misconduct investigation by any employer, state licensing agency, law enforcement, the Department of Children and Families, or other child protective services agency (unless the investigation resulted in a finding that the allegations were false or the incident of child abuse or sexual misconduct was not substantiated)?

Yes _____ No _____

Been disciplined, discharged, non-renewed, asked to resign from employment, resigned from or otherwise separated from any employment while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct?

Yes _____ No _____

Had a license, professional license, or certificate suspended, surrendered, or revoked while allegations of child abuse or sexual misconduct were pending or under investigation, or due to an adjudication or finding of child abuse or sexual misconduct?

Former Employer Representative (Signature, Print Name and Title)

Date

Pursuant to P.L. 2018 c. 5, an employer, school entity, administrator, and/or independent contractor that provides information or records about a current or former employee or applicant shall be immune from criminal liability, and from civil liability for the disclosure of the information, unless the information or records provided were knowingly false. Such immunity shall be in addition to, and not in limitation of, any other immunity provided by law, or any absolute or conditional privileges applicable to such disclosure, by virtue of the circumstance of the applicant's consent thereto.

School Entity:		
Address:	Phone:	
State:	Zip:	Fax:

STATE OF NEW JERSEY

SEXUAL MISCONDUCT/ABUSE DISCLOSURE RELEASE FORM

INSTRUCTIONS

This standardized form has been developed, pursuant to P.L. 2018 c. 5, to be used by school entities and independent contractors of school entities, and by applicants who would be employed by or in a school entity in a position involving direct contact with children, to satisfy the Act's requirement of providing information related to child abuse or sexual misconduct. As required by P.L. 2018, c. 5, an applicant who would be employed by or in a school entity in a position having direct contact with children must provide the information requested in SECTION 1 of this form and a written authorization that consents to and authorizes the disclosure by the applicant's current and former employers of the information requested in SECTION 2 of this form.

The applicant shall complete one form for the applicant's current employer(s) and one for **each** of the applicant's former employers within the last twenty (20) years that were school entities or where the applicant was employed in a position having direct contact with children. The applicant must complete as many forms as necessary to provide this information for each such current or former employer. Upon completion by the applicant, the hiring school entity or independent contractor shall submit the form to the applicant's current and former employers to complete SECTION 2.

A school entity or independent contractor may not hire an applicant who does not provide the required information listed in SECTION 1 for a position involving direct contact with children. Further, the failure of a current or former employer to provide the information listed in SECTION 2 within twenty (20) days of receiving the request may be grounds for automatic disqualification of the applicant for employment with the school entity or contracted service provider in a position involving direct contact with students.

By law, the school entity or contracted service provider shall not be liable for any claims brought by an applicant who is not offered employment or whose employment is terminated, because of information received, or due to the inability to obtain required information or conduct a full review of the applicant's employment history.

Relevant Definitions:

"Sexual Misconduct" means any verbal, nonverbal, written, or electronic communication, or any other act directed toward or with a student that is designed to establish a sexual relationship with the student, including a sexual invitation, dating or soliciting a date, engaging in sexual dialogue, making sexually suggestive comments, self-disclosure or physical exposure of a sexual erotic nature, and any other sexual, indecent or erotic contact with a student.

"Child Abuse" means any conduct that falls under the purview and reporting requirements of P.L. 1971, c. 437 (N.J.S.A. 9:6-8.8 et seq.) and is directed toward or against a child or student, regardless of the age of the child or student.

Please Note:

A prospective employer that receives any requested information regarding an applicant may use the information for the purpose of evaluating the applicant's fitness to be hired or for continued employment and shall report the information as appropriate to the Department of Education, a state licensing agency, law enforcement agency, child protective services agency, another school entity, or to a prospective employer.

If the prospective employer decides to further consider an applicant after receiving an affirmative response to any of the questions listed in SECTIONS 1 and 2 of the form, the prospective employer shall request that former employer(s) responding affirmatively to the questions provide additional information about the matters disclosed and include any related records, which shall be promptly provided by the former employer(s).

The completed form and any information or records received shall not be considered public records for the purposes of N.J.S.A. 47:1A-1 et seq., otherwise known as the OPRA Statute, or the common law "Right to Know."

Any provision of any employment contract or agreement for the resignation or termination of employment, or a severance agreement, that is executed, amended, or entered into, that is contrary to the prohibition of entering thereof, or which effectively suppresses, destroys, affects the ability to report, or expunges any information relating to suspected child abuse or sexual misconduct, shall be void and unenforceable.

Please return this form to

Berlin Township School District, Superintendent's Office
Huster Administration Building
225 Grove Avenue
West Berlin, NJ 08091
Phone: 856-767-9480 Fax: 856-767-8235