

## **EMPLOYMENT: DISCLOSURES AND CERTIFICATION REQUIREMENTS**

The Superintendent of Puget Sound Educational Service District (PSESD) has the responsibility of employing staff as directed by the PSESD Board. Prior to final action, a prospective staff member will present necessary documents which establish eligibility to work as required by federal immigration law. The Superintendent or designee will certify that he/she has: “examined the documents which were presented to me by the new hire, that the documents appear to be genuine, that they appear to relate to the individual named, and that the individual is a U.S. citizen, a legal permanent resident, or a non-immigrant alien with authorization to work.” This certification will be made on the I-9 form issued by the Federal Immigration and Naturalization Service.

PSESD will report all new hires to the state Department of Social and Health Services Division of Child Support as required by P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The PSESD will require that every prospective staff member sign a release form allowing the agency to contact school employers regarding prior acts of sexual misconduct. The applicant will authorize current and past school district employers including employers outside of Washington state to disclose to the PSESD sexual misconduct, if any, and make available all documents in the employer’s personnel, investigative or other files related to the sexual misconduct. The applicant is not prohibited from employment in Washington state if the laws or policies of another state prohibit disclosure of this information or if the out-of-state district denies the request.

### **Disclosure of Crime**

Prior to employment of any staff member, intern, or volunteer PSESD will require the person to disclose whether he/she has been:

- A. Convicted of any crime against persons;
- B. Found in any dependency action under RCW 13.34 to have sexually assaulted or exploited any minor or to have physically abused any minor;
- C. Found by a court in a domestic relations proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;
- D. Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor: or
- E. Convicted of a crime related to drugs: manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

The disclosure will be made in writing and signed by the applicant and sworn to under penalty of perjury.

## **Background Check**

Prospective staff, interns, and volunteers will have their records checked through the Washington State Patrol criminal identification system and through the Federal Bureau of Investigation. The record check will include a fingerprint check using a complete Washington state criminal identification fingerprint process.

## **Record Check Database Access Designee**

The Superintendent or designee will establish procedures for determining which staff members are authorized to access the Superintendent of Public Instruction's record check database. Fingerprint record information is highly confidential and will not be re-disseminated to any organization or individual by district staff. Records of arrest and prosecution (RAP sheets) will be stored in a secure location separate from personnel and applicant files and access to this information is limited to those authorized to access the SPI record check database.

## **Certification Requirements**

The PSESD will require that certificated staff hold a Washington state certificate, with proper endorsement (if required for that certificate and unless eligible for out-of-endorsement assignment), for the role and responsibilities for which they are employed. Failure to meet this requirement will be just cause for termination of employment. State law requires that the initial application for certification will require a background check of the applicant through the Washington State Patrol criminal identification system and Federal Bureau of Investigation. No salary warrants may be issued to the staff member until the district has registered a valid certificate for the role to which he/she has been assigned.

In addition, any teacher who meets standard or continuing certification after August 30, 1987, must complete 150 hours of continuing education study every five years. Failure to satisfy this requirement will cause the certificate to lapse. If a certificated staff member with a lapsed certificate is issued a transitional certificate pursuant to WAC 181-79A-231 (7), he or she may be conditionally employed for up to two years while he or she meets the certificate reinstatement requirements.

Adopted: January 2014

Relevant PSESD Board Governance Policies: EL 3, Treatment of Stakeholders  
EL 4, Treatment of Staff

Legal References: RCW 28A.310.220 ESD Board – Delegation of powers and duties to superintendent

RCW 9.96A.020 Employment, occupational licensing by public entity — Prior felony conviction no disqualification — Exceptions

RCW 28A.320.155	Criminal history record information — School volunteers
RCW 28A.400.300	Hiring and discharging of employees — Written leave policies — Seniority and leave benefits of employees transferring between school districts and other educational employers
RCW 28A.400.303	Record checks for employees
RCW 28A.405.060	Course of study and regulations — enforcement — Withholding salary warrant for failure
RCW 28A. 405.210	Conditions and contracts of employment — Determination of probable cause for nonrenewal of contracts — Nonrenewal due to enrollment decline or revenue loss — Notice — Opportunity for hearing
RCW 28A.410.010	Certification — Duty of Professional Educator Standards Board — Rules — Record check — Lapsed certificates — Superintendent of public instruction as administrator
RCW 43.43.830	Background checks — Access to children or vulnerable persons — Definitions
RCW 50.44.050	Benefits payable, terms and conditions — "Academic year" defined
RCW 50.44.053	"Reasonable assurance" defined — Presumption, employees of educational institutions
P.L. 99-603	Immigration Reform and Control Act of 1986 (IRCA)
P.L. 104-193	Personal Responsibility and Work Opportunity Reconciliation Act of 1996
WAC 162-12	Preemployment Inquiry Guide (Human Rights Commission)
WAC 180-16-220	Supplemental basic education program approval requirements
WAC 181-79A	Standards for teacher, administrator and educational staff associate certification
WAC 181-82-105	Assignment of classroom teachers within districts
WAC 181-82-110	Exceptions to classroom teacher assignment policy
WAC 181-85	Professional certification — Continuing education requirement
WAC 392-300-050	Access to record check data base

WAC 392-300-055	Prohibition of redissemination of fingerprint record information by education service districts, the State School for the Deaf, the State School for the Blind, school districts, and Bureau of Indian Affairs funded schools
WAC 392-300-060	Protection of fingerprint record information by education service district, the State School for the Deaf, the State School for the Blind, school districts, and Bureau of Indian Affairs funded schools
WAC 446-20-280	Employment — Conviction Records