



PERSONNEL

Employment and Volunteers: Disclosures, Certification Requirements, Assurances and Approval

The board has the legal responsibility of employing all staff. The responsibility of administering the recruitment process is assigned to the superintendent/designee. Prior to final action by the board, a prospective staff member shall present necessary documents which establish eligibility to work and attest to his/her eligibility as required by P.L. 99-603, Immigration Reform and Control Act of 1986. As required by federal immigration law, the superintendent/designee shall 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 shall be made on the I-9 form issued by the federal Immigration and Naturalization Service.

Pursuant to state law, the district shall 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 district shall require that every prospective staff member sign a release form allowing the district to contact school employers regarding prior acts of sexual misconduct. The applicant shall authorize current and past school district employers including employers outside of Washington to disclose to the district sexual misconduct, if any, and make available to the district 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 or if the out-of-state district denies the request.

Disclosure for Staff and Volunteers

Prior to employment of any unsupervised staff member or volunteer, the district shall require the applicant 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.

For purposes of this policy, unsupervised means not in the presence of another employee or volunteer and working with children under sixteen years of age or developmentally disabled persons. The disclosure shall be made in writing and signed by the applicant and sworn to under penalty of perjury. The disclosure sheet shall specify all crimes committed against persons.

Background Check

Staff and Volunteers with Regularly Scheduled Unsupervised Access to Children:

Prospective staff members and volunteers, who will have regularly scheduled unsupervised access to children, will have their records checked through the Washington State Patrol criminal identification system and through the Federal Bureau of Investigation. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card.

All Other Staff and Volunteers:

Staff and volunteers without unsupervised access to children will undergo a name and birth date background check with the Washington State Patrol.

If a volunteer has undergone a criminal record check in the last two years for another entity, the district shall request a copy from the volunteer, or have the volunteer sign a release permitting the entity for whom the check was conducted to provide a copy to the district.

Conditional Employment:

New hires will be employed on a conditional basis pending the outcome of the background check and may begin conditional employment once completed fingerprint cards have been sent to the Washington State Patrol. If the background check reveals evidence of convictions, the candidate may not be recommended for employment, or if conditionally employed, may be terminated. When such a background check is received, the superintendent/designee is directed to consult with legal counsel.

Record Check Database Access Designee:

The superintendent/designee is directed to establish procedures for determining which staff members are authorized to access the Superintendent of Public Instruction's (SPI) record check database. Fingerprint record information is highly confidential and shall not be disseminated to any organization or individual by district staff. Records of arrest and prosecution (RAP sheets) shall 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 district shall 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), or such other documentation as may be required by the professional educator standards board with respect to alternative route programs, for the role and responsibilities for which they are employed. Failure to meet this requirement shall be just and sufficient cause for termination of employment. State law requires that the initial application for certification shall 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.

All certificated staff members are required to maintain their certification in accordance with state and federal requirements.

Classified Staff:

Classified staff who are engaged to serve less than twelve (12) months, shall be advised of their employment status for the ensuing school year prior to the close of the school year. If the district chooses to reemploy the staff member the following year, the superintendent/designee, or his/her designee, shall give "reasonable assurance" by written notice that the staff member will be employed during the next school year.

Board Approval:

All staff members selected for employment shall be recommended by the Superintendent, or his/her designee. Staff members must receive an affirmative vote from a majority of all members of the Board. In the event an authorized position must be filled before the Board can take action, the Superintendent, or his/her designee, has the authority to fill the position on a temporary basis. The temporary employee shall receive the same salary and benefits as a permanent staff member. The Board will act on the Superintendent's, or his/her designee's recommendation to fill the vacancy at its next regular meeting.

Cross References:	Board Policy	1610	Conflicts of Interest
		5006	Certificate Revocation
		5251	Conflicts of Interest
		5281	Disciplinary Action and Discharge
		5610	Substitute Employment
		6530	Insurance
Legal References:	RCW	28A.320.155	Criminal history record information – School Volunteers
		28A.400.300	Hiring and discharging employees-- Written leave policies – Seniority and leave benefits of employees transferring between school districts and other educational employers

28A.400.301	Information on past sexual misconduct – Requirement for applicants – Limitation on contracts and agreements – Employee right to review personnel file
28A.400.303	Record checks for employees
28A.405.060	Course of study and regulations—enforcement --Withholding salary warrant for failure
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
28A.410.010	Certification — Duty of Professional Educator Standards Board — Rules — Record check — Lapsed certificates — superintendent of public instruction as administrator
28A.660.020	Proposals – Funding
28A.660.035	Partnership grant programs – Priority assistance in advancing cultural competency skills – ESHB 1115 Paraeducators
9.96A.020	Employment, occupational licensing by public entity—Prior felony conviction no disqualification--Exceptions
43.43.830-.840	Washington State Criminal Code Records
50.44.050	Benefits Payable, Terms and Conditions - “Academic year” defined
50.44.053	“Reasonable assurance” defined – Presumption, employees of educational institutions
WAC 162-12	Preemployment Inquiry Guide (Human Rights Commission)
180-16-220	Supplemental basic education program approval requirements
181-79A	Standards for Teacher, Administrator and Educational Staff Associate Certification
181-82-105	Assignment of classroom teachers within districts
181-82-110	School district response and support for unmatched endorsements to course assignment of teachers
181-85	Professional Certification – Continuing Education
392-300-050	Access to record check database
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

392-300-060

Protection of fingerprint record information by educational service districts, the State School for the Deaf, the State School for the Blind, school districts, and Bureau of Indian Affairs funded schools

446-20-280

Employment--Conviction Records

P.L. 99-603
104-193

Immigration Reform and Control (IRCA)
Personal Responsibility and work Opportunity Reconciliation Act of 1996

Management Resources:

Policy News, June 1999
Policy News, February 1999

Policy News, August 1998
Policy News, October 2001

Policy News, April 2004
Policy News, October 2005
Policy News, October 2005
Policy News, October 2010
Policy News, July 2017

School Safety Bills Impact Policy
Local Boards Decide Endorsement
Waivers
District Must Report New Hires
Updates from the State Board of
Education
School Employee Sexual Misconduct
Public Disclosure
Sex Offender Reporting Requirements
Employment Disclosures

Adoption Date: January 17, 1989
Updated: April 21, 1997
Updated: February, 24, 2003
Updated: August 20, 2007
Updated: December 20, 2010
Updated: September, 2017