

EMPLOYMENT OF STAFF: DISCLOSURES, BACKGROUND CHECKS, CERTIFICATION REQUIREMENTS AND APPROVAL: 5005

The Board has the legal responsibility of employing all staff. The responsibility of administering the recruitment process is assigned to the Superintendent or designee. The Superintendent may employ staff members on a temporary basis until the Board takes final action on the recommendation of the Superintendent. Prior to formal employment by the Board, a prospective staff member shall present necessary documents that establish eligibility to work and attest to his/her eligibility, as required by P.L. 99-603. The Superintendent or designee shall certify that he/she has examined the documents which were presented, 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 nonimmigrant alien with authorization to work. This certification shall be made on the I-9 form issued by the Federal Immigration and Naturalization Service.

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.

Disclosure of Criminal History and Background Checks

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 State to disclose 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.

Prior to employment of any staff member or engagement of any volunteer, the District shall 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.

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The disclosure sheet shall specify all crimes committed against persons. The disclosure shall be made in writing and signed by the person and sworn to under penalty of perjury.

Prospective staff members and all volunteers who at times may be unsupervised shall 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. For purposes of this policy, unsupervised means not in the presence of another employee or volunteer and working with children under sixteen (16) years of age or developmentally disabled persons.

For all volunteers and employees, the District shall require a name and birth date background check with the Washington State Patrol.

Applicants 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 temporarily employed, may be immediately terminated. When such a background check is received, for convictions that do not automatically disqualify the person for employment with a school district, the review officer will consider the seriousness and history of any convictions and compare the record to the employee's or candidate's Disclosure Statement before making a final determination.

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), for the role and responsibilities for which they are employed. Failure to meet this requirement shall be just 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.

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.

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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. The Superintendent or designee shall give "reasonable assurance" by written notice that the staff member will be employed during the next school year. "Reasonable assurance" does not constitute a guarantee of employment nor create a contractual obligation. It is to give the employee evidence of the District's intentions at that time it is given.

Board Approval

All staff members selected for employment shall be recommended by the Superintendent or 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 designee has the authority to fill the position with a temporary employee who shall receive the same salary and benefits as a permanent staff member. The Board will act on the Superintendent's recommendation to fill the vacancy at its next regular meeting.

Engagement of Volunteers (see policy and procedure 5630 and 5630P)

Cross References:	Administrative Policy – 5006	Certification Revocation
	Administrative Policy – 5251	Conflicts of Interest
	Administrative Policy – 5281	Disciplinary Action and Discharge
	Administrative Policy – 5610	Substitute Employment
Legal References:	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

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Legal References: (Continued)	RCW 28A.410.010	Certification–Duty of Professional Educator Standards Board–Rules–Record check– Lapsed certificates–Superintendent of public instruction as administrator
	RCW 9.96A.020	Employment, occupational licensing by public entity–Prior felony conviction no disqualification–Exceptions
	RCW 43.43.830 - .840	Washington State Criminal Code Records
	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

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Legal References: WAC 446-20-280 Employment–Conviction Records
(Continued) WAC 446-20-285 Employment–Conviction Records–Child and
adult abuse information

Management Resources:

<i>Policy News</i> , October 2010	Employment Disclosures
<i>Policy News</i> , October 2005	Public Disclosure
<i>Policy News</i> , October 2005	Sex Offender Reporting Requirements
<i>Policy News</i> , April 2004	School Employee Sexual Misconduct
<i>Policy News</i> , October 2001	Updates from the State Board of Education
<i>Policy News</i> , June 1999	School Safety Bills Impact Policy
<i>Policy News</i> , February 1999	Local Boards Decide Endorsement Waivers
<i>Policy News</i> , August 1998	District Must Report New Hires