EMPLOYMENT: 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. 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 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.

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 of Crime

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 mi- nor 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

Prospective unsupervised staff members 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.

Unsupervised volunteers and employees without unsupervised access to children shall also be advised that they will be subjected to a name and birth date background check with the Washington State Patrol.

Applicants may 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 will not be recommended for employment, or if temporarily employed, will be terminated. When such a background check is received, the superintendent is directed to consult with legal counsel.

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.

Record Check Database Access Designee

The superintendent is directed to 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 shall not be re-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 data base.

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.

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 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. 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 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.

Cross References: (cf. 1610, Conflicts of Interest [1st Class] [2nd Class]) (cf. 5251, Conflicts of Interest) (cf. 5006, Certification Revocation)
(cf. 5281, Disciplinary Action and Discharge) (cf. 5520, Staff Development)
(cf. 5610, Substitute Employment) (cf. 6530, Insurance)

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
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
WAC 446-20-280 Employment — Conviction Records

Management Resources:

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