

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

Federal Immigration Law Compliance for Staff

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 will present necessary documents which establish eligibility to work as required by federal immigration law. The superintendent/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.

Child Support Reporting for Staff

The district 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](#).

Sexual Misconduct Release Form for Staff

Pursuant to state law, the district will 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 will 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 of this information or if the out-of-state district denies the request.

Disclosures for Staff and Volunteers

Prior to employment of any unsupervised staff member or volunteer, the district will 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 will be made in writing and signed by the applicant and sworn to under penalty of perjury. The disclosure sheet will specify all crimes committed against persons.

Background Check for Staff and Volunteers

Staff and Volunteers with Regularly Scheduled Unsupervised Access to Children:

Prospective staff members and volunteers, who will have regularly scheduled unsupervised access to

5520 - Staff Development
5281 - Disciplinary Action and Discharge
5252 - Staff Participation in Political Activities
5006 - Certification Revocation
1610 - Conflicts of Interest (Districts with 2,000 or more students)

Legal References:

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.400.301 Information on past sexual misconduct - Requirement for applicants - Limitation on contracts and agreements - Employee right to review personnel file
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 28A.660.020 Proposals - Funding
RCW 28A.660.035 Partnership grant programs - Priority assistance in advancing cultural competency skills
RCW 43.43.830 Background checks — Access to children or vulnerable persons — Definitions
RCW 49.44.240 Discrimination based on cannabis use—Exceptions
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 School district response and support for nonmatched endorsements to course assignment of teachers
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 educational 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 educational 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: 2023 – December Issue
2017 - July Issue
2010 - October Issue
Policy News, October 2005 Public Disclosure
Policy News, October 2005 Sex Offender Reporting Requirements
Policy News, April 2004 School Employee Sexual Misconduct
Policy News, October 2001 Updates from the State Board of Education
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

CHIMACUM SCHOOL DISTRICT

Adoption Date: September 25, 2005

Classification: Essential

Revised Dates: 09.17; 01.24