

Tumwater School District Board Policy

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/appointment of any staff member or volunteer, the district shall require the applicant to disclose whether he/she has been:

1. Convicted of any crime against persons;
2. Found in any dependency action under RCW 13.34 to have sexually assaulted or exploited any minor or to have physically abused any minor;
3. 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;
4. Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor: or
5. Convicted of a crime related to drugs: manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

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 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.

Volunteers with access to children shall be subjected to a name and birth date background check with the Washington State Patrol. If the volunteer has lived in the state of Washington for less than five years, a national background search will be run.

Applicants may be employed on a conditional basis pending the outcome of the background check and may begin conditional employment once the prospective employee has verification of fingerprinting. If the background check reveals evidence of convictions, 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 Data Base 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 to be employed. 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.

Classified Staff

Classified staff members 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 individuals recommended for employment shall be so identified by the superintendent. Individuals so recommended 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. The board will act on the superintendent's recommendation to fill the vacancy at its next regular meeting.

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:

<i>Policy News</i> , 10/10	Employment Disclosures
<i>Policy News</i> , 10/05	Public Disclosure
<i>Policy News</i> , 10/05	Sex Offender Reporting Requirements
<i>Policy News</i> , 4/04	School Employee Sexual Misconduct
<i>Policy News</i> , 10/01	Updates from the State Board of Education
<i>Policy News</i> , 6/99	School Safety Bills Impact Policy
<i>Policy News</i> , 2/99	Local Boards Decide Endorsement Waivers
<i>Policy News</i> , 8/98	District Must Report New Hires

ADOPTED: January 14, 1993

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