STANWOOD-CAMANO
SCHOOL DISTRICT

Contact:
Christine Del Pozo, Executive Dir. of Human Resources
Stanwood-Camano School District
26920 Pioneer Highway, Stanwood, WA 98292
360-629-1200
cdelpozo@stanwood.wednet.edu

TO: Stanwood-Camano Board of Directors

FROM: Christine Del Pozo, Executive Director of Human Resources

SUBJECT: Second Reading, Board Policy 5005 Employment and Volunteers: Disclosures, Certification Requirements, Assurances and Approval

DATE: May 21, 2024

TYPE: Action Required

The Washington State School Directors Association (WSSDA) has recommended updates to policy 5005, Employment and Volunteers: Disclosures, Certification Requirements, Assurances and Approval. Policy 5005 was brought before the board for a first reading on May 7th. The Board moved revised policy 5005 forward for a second reading.

Recommendation: We recommend the board approve the second reading of revised policy 5005 on Employment and Volunteers: Disclosures, Certification Requirements, Assurances and Approval.

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 shall 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 shall 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 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 children, will have their records checked through the Washington State Patrol criminal identification

system and through the Federal Bureau of Investigation. The record check will include a fingerprint check using a complete Washington state criminal identification fingerprint card.

All Other Staff and Volunteers:

Staff and volunteers **who will not have regularly scheduled unsupervised** ~~without supervised~~ 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 will 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 will 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.

Pre-employment Drug Testing

If the district requires prospective staff members to undergo pre-employment drug testing, the district will comply with the requirements of RCW 49.44.240.

Record Check Data Base Access Designee

The superintendent /designee directed to establish procedures for determining which staff members are authorized to access the Superintendent of Public Instruction's (OSPI) record check database. Fingerprint record information is highly confidential and will not be re-disseminated to any organization or individual by district staff. Records of arrest and prosecution (RAP sheets) will be stored in a secure location separate from personnel and applicant files and access to this information will be limited to those authorized to access the OSPI record check database.

Certification Requirements

The district will 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 will be just and sufficient cause for termination of employment. State law requires that the initial application for certification will 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, will 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 will 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 will 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 will 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:	Policy 1610	Conflicts of Interest (Districts with 2,000 or more students)
	Policy 5006	Certification Revocation
	Policy 5251	Conflicts of Interest
	Policy 5252	Staff Participation in Political Activities
	Policy 5281	Disciplinary Action and Discharge
	Policy 5520	Staff Development
	Policy 5610	Substitute Employment
	Policy 6530	Insurance

Legal References:	RCW 9.96A.020	Employment, occupational licensing by public entity – Prior felony conviction no disqualification - Exceptions
	RCW 28A.400.300	Hiring and discharging employees — Written leave policies — Seniority and leave benefits of employees transferring between school districts and other educational employers
	RCW 28A.320.155	Criminal history record information – School volunteers
	RCW 28A.400.301	Information on past sexual misconduct – Requirement for applicants – Limitations 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 non-renewal 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
RW 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 180-82-105	Assignment of classroom teachers within districts
WAC 181-82-110	School district response and support for nonmatched endorsements to course assignment of teachers
WAC 181-79A	Standards for Teacher, Administrator and Educational Staff Associate Certification
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, August 1998 District Must Report New Hires
Policy News, February 1999 Local Boards Decide Endorsement Waivers
Policy News, June 1999 School Safety Bills Impact Policy
Policy News, October 2001 Updates from the SBE
Policy News, April 2004 School Employee Sexual Misconduct
Policy News, October 2005 Sex Offender Reporting Requirements
Policy News, October 2005 Public Disclosure
Policy News, October 2010 Issue

Policy News, July 2017 Issue

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Stanwood-Camano School District
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5.7.24