BP-4111.2 (a)
4211.2 (a)
4311.2 (a)

LEGAL STATUS REQUIREMENT

Note: Employers are required to comply with the federal Immigration and Nationality Act as amended by the Immigration Reform and Control Act of 1986 and the Immigration Act of 1990. On an individual basis, an employer may hire a citizen rather that an alien, if desired, provided the two individuals are equally qualified. However, an employer may not adopt a blanket policy of always preferring a qualified citizen over a qualified alien.

The district shall hire only citizens and aliens who are lawfully authorized to work in the United States. The district will verify the identity and employment eligibility of all individuals hired to work. The district will not continue the employment of an individual upon knowledge that he or she is no longer lawfully authorized to work in the United States.

District employment practices shall not discriminate on the basis of citizenship status or national origin, nor shall they discriminate against any refugees, grantees of asylum or persons qualified for permanent or temporary residency.

Note: Employers may be subject to fines and/or imprisonment if they fail to request evidence of employment eligibility or if they knowingly hire or continue to employ undocumented workers. Under 2009 amendments to federal regulations, the term "knowing" includes not only actual knowledge but also knowledge which may be fairly inferred through notice of certain facts and circumstances which would lead a person through the exercise of reasonable care, to know about a certain condition. Constructive knowledge may include, but is not limited to situations where an employer: (i) fails to complete or improperly completes the Employment Eligibility Verification Form I-9; (ii) has information available to it that would indicate that the alien is not authorized to work such as a Labor Certification and/or an Application for Prospective Employer; or (iii) acts with reckless and wanton disregard for the legal consequences of permitting another individual to introduce an unauthorized alien into its work force or to act on its behalf. Knowledge that an employee is unauthorized to work may not be inferred from an employee's foreign appearance or accent.

All new employees shall show appropriate documents, which certify that they are legally eligible to work in the United States, as required by law. Noting in this policy is intended to preclude the employment of teachers under the Exchange Visitor program in 22 C.F.R.§62.24.

BP-4111.2 (b)
4211.2 (b)
4311.2 (b)

LEGAL STATUS REQUIREMENT

Legal Reference:

UNITED STATES CODE
8.U.S.C.1324(a)(b) Immigration and Nationality Act, as Amended by Immigration Reform and Control Act of 1986 and Immigration Act of 1990

CODE OF FEDERAL REGULATIONS, TITLE 8
8 C.F.R. Part 274(a) Control of Employment of Aliens
22 C.F.R. §62.24 Teachers

Adoption Date:	January 19, 2004
Reviewed & Renumbered:	May 17, 2010
Reviewed:	August 13, 2012
Revised:	October 8, 2019
Reviewed:	August 19, 2024
Revised:	June 19, 2026