

**EMPLOYMENT: DISCLOSURES, CERTIFICATION REQUIREMENTS,
ASSURANCES AND APPROVALS**

POLICY:

The Board has the legal responsibility of employing all staff. The responsibility of administering the recruitment process is assigned to the Superintendent. As required by Federal Immigration Law, 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. 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.

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 13.34.030 (2)(b) 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;
- E. Convicted of a crime related to drugs: manufacture, delivery, or possession with intent to manufacture, or deliver a controlled substance; or
- F. Released from prison within the last seven years for a crime related to embezzlement or fraud.

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:

All regular P-12 employees, certificated and educational assistant substitutes, and long-term subcontractors will be subjected to a fingerprint background check through the Washington State Patrol and the Federal Bureau of Investigation Criminal Identification System prior to employment.

All other classified substitutes, volunteers, auxiliary employees, community education instructors, and students, including minors, that do not have regularly scheduled, unsupervised access to children, shall be subjected to a name and birth date background check with the Washington State Patrol.

Volunteers shall 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 as identified above, 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.

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 OSPI record check database.

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 an 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. No salary warrants may be issued to the

staff member unless the District has a valid certificate for the role to which he/she has been assigned on file.

Classified Staff

Classified staff members 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.

Legal References:

RCW 28A.320.155 Criminal record checks--School employees and volunteers
RCW 28A.350.050 Teacher must qualify before warrant drawn and issued or registered--All Districts
RCW 28A.400.300 Hiring and discharging employees--Leaves for employees--Seniority and leave benefits, retention upon transfers between schools
RCW 28A.400.303 Record checks for employees
RCW 28A.405.01 Qualifications--Certificate or permit required
RCW 28A.405.06 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--Notice--Opportunity for hearing
RCW 28A.410.01 Certification--Background check
RCW 9.96A.020 Employment, occupational licensing by public entity--Prior felony conviction no disqualification--Exceptions
RCW 43.43.830 -40 Washington State Criminal Code Records
RCW 50.44.050 Benefits Payable, Terms and Conditions
RCW 50.44.053 Definition of "reasonable assurance"
8 USC 1324a and 1324b (IRCA) Immigration Reform and Control Act of 1986
WAC 162-12 Pre-employment Inquiry Guide (Human Rights Commission)
WAC 180-16-220 Supplemental Program Requirements
WAC 180-16-223 Temporary Out-of-Endorsement Assignment Criteria

WAC 180-79A Standards for Teacher, Administrator and Educational Staff
Associate Certification

WAC 180-82-110 Exceptions to classroom teacher assignment policy

WAC 180-85 Continuing Education

WAC 392-300-050 Access to record check data base

WAC 392-300-055 Prohibition of re-dissemination of fingerprint record
information by education service Districts or school Districts

WAC 392-300-060 Protection of fingerprint record information by education
service District and school Districts

WAC 446-20-285 Employment--Conviction Records

Management Resources:

PNA 9902.01 Local Boards decide endorsement waivers

PNA 9906.03 School safety bills impact policy

PNA 9808.03 District must report new hires

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PROCEDURES:

Citizenship Status

Prior to official employment, the District will document the citizenship/immigration information regarding employment eligibility that is furnished by the prospective employee. The information that is recorded must come from documents acceptable to the Department of Immigration and Naturalization as listed on the I-9 form.

The District must complete an Immigration Service Form (I-9) for each staff member employed after November 6, 1986, and keep that form on file for six years following the termination of employment.

Background Check

As per board policy, the Superintendent may employ staff members on a temporary basis until the Board takes final action on the recommendation of the Superintendent.

All regular P-12 employees, certificated and educational assistant substitutes, and long-term subcontractors will be subjected to a fingerprint background check through the Washington State Patrol and the Federal Bureau of Investigation criminal identification system prior to employment. All other substitute employees shall be subjected to a General Criminal and Child/Adult Abuse record search.

Volunteers with unsupervised access to children shall be subjected to the fingerprint background check through the Washington State Patrol and the Federal Bureau of Investigation Criminal Identification System. Volunteers without unsupervised access to children shall be advised that they will be subjected to a name and birth date background check with the Washington State Patrol.

All such records shall be treated as confidential and only the Assistant Superintendent of Human Resources and one specific designee identified in

writing shall be authorized to access the Office of the Superintendent of Public Instruction's record check database and district record check data, including records of arrest and prosecution (RAP sheets). RAP sheets shall be secured by the District in storage separate from personnel and applicant records. Further use of the record following initial employment or re-dissemination of the records to another organization or individual is expressly prohibited. Lawful use of such information does not constitute liability for defamation, invasion of privacy, or negligence, but noncompliance with this policy, relevant rules, and statutes may allow for the recovery of civil damages under applicable federal and state statutes.