

EMPLOYMENT: DISCLOSURES, CERTIFICATION, 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 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 nonimmigrant 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

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; or

- 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.

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 for Staff

Staff with Regularly Scheduled Unsupervised Access to Children

Prospective staff members 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 shall include a fingerprint check using a complete Washington state criminal identification fingerprint card.

Conditional Employment

New hires shall 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 a guilty plea or convictions under RCW 28A.400.322, the candidate may 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.

Record Check Data Base Access Designee

The superintendent/designee is directed to establish procedures for determining which staff members are authorized to access the Superintendent of Public Instruction's (SPI) 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 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 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, 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 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.

Cross References:	Board Policy 1610 5281 5610 5006 5252 6530	Conflicts of Interest Disciplinary Action and Discharge Substitute Employment Certificate Revocation Staff Participation in Political Activities Insurance
Legal References:	RCW 28A.400.300 28A.400.301	Hiring and discharging employees—Written leave policies – Seniority and leave benefits of employees transferring between school districts and other educational employers Information on past sexual misconduct – Requirement for applicants – Limitation on contracts and agreements – Employee right to review personnel file

28A.400.303	Record checks for employees
28A.405.060	Course of study and regulations – Enforcement – Withholding salary warrant for failure.
28A.405.210	Conditions and contracts of employment-- Determination of probable cause for non- renewal of contracts-- Notice--Opportunity for hearing
28A.410.010	Certification – Duty of professional educator standards board – Rules – Record check – Lapsed certificates – Superintendent of Public Instruction as administrator
28A.660.020	Proposals – Funding
28A.660.035	Partnership grant programs --Priority assistance in advancing cultural competency skills ESHB 1115 Para-educators
9.96A.020	Employment, occupational licensing public entity –Prior felony conviction no disqualification -- Exceptions
43.43.830-40	Washington State Criminal Code Records
50.44.050	Benefits Payable, Terms and Conditions
50.44.053	Definition of "reasonable assurance
WAC 162-12	Pre-employment Inquiry Guide (Human Rights Commission)
180-16-220	Supplemental basic education program approval requirements
181-79A	Standards for teacher, administrator and educational staff associate certification
WAC181-82-105	Assignment of classroom teachers within districts
181-82-110	School district response and support for no matched endorsements to course assignment of teachers
181-85	Professional certification – Continuing education requirement
392-300-050	Access to record check data base
392-300-055	Prohibition of re-dissemination of fingerprint record information by education service districts or school districts
392-300-055	Prohibition of re-dissemination of fingerprint record information by education service districts or school districts
392-300-060	Protection of fingerprint record information by educational service districts and school

	districts
446-20-280	Employment--Conviction Records
P.L. 99-603 (IRCA)	Immigration Reform and Control Act of 1986
P.L. 104-93	Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Adoption Date: 02/04/97
Revised: 11/15/00, 05/17/05, 12/21/07, 09/16/16, 11/07/17