

## **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 will 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 or volunteer 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 without unsupervised 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 is 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 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 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.

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**Legal References:**

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| RCW 9.96A.020   | Employment, occupational licensing by public entity — Prior felony conviction no disqualification — Exceptions  |
| RCW 28A.320.155 | Criminal history record information—School volunteers   |
| RCW 28A.400.300 | Hiring and discharging employees—Written Leave policies<br>Seniority and leave benefits of employees transferring, between school districts and other educational employers |
| RCW 28A.400.301 | Information on past sexual misconduct - Requirement for applicants - Limitation 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
- RCW 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 Pre-employment 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 180-82-105 Assignment of classroom teachers within districts
- WAC 180-82-110 School district response and support for non-matched endorsements to course assignment of teachers
- 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, 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, and Bureau of Indian Affairs funded schools.
- WAC 446-20-280 Employment--Conviction Records

Cross References:

- 6530 Insurance
- 5610 Substitute Employment
- 5520 Staff Development
- 5281 Disciplinary Action and Discharge
- 5252 Staff Participation in Political Activities
- 5006 Certification Revocation
- 1610 Conflicts of Interest [1<sup>st</sup> Class] Districts

Management Resources:

- 2023 – December Issue
- 2017 - July Issue
- 2010 - October Issue
- Policy News, October 2005      Public Disclosure
- Policy News, October 2005      Sex Offender Reporting Requirements
- Policy News, April 2004      School Employee Sexual Misconduct
- Policy News, October 2001      Updates from the State Board of Education
- 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

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