

## **Employment: Disclosures, Certification Requirements, Assurances and Approval**

Legally, ultimate responsibility for all staff employment rests with the board. The responsibility of administering the recruitment process is assigned to the superintendent. 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 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 will be made on the I-9 form issued by the Federal Immigration and Naturalization Service.

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.

The district will require that every prospective employee sign a release form allowing the district to contact employers regarding prior acts of sexual misconduct. The applicant will authorize current and past 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.

### **Disclosure of Crime**

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 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**

Prospective staff members 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.

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.

## Hiring of Persons with Criminal Records

If the background check reveals evidence of convictions, the candidate may not be recommended for employment, or, if temporarily employed, may be terminated.

If the background check reveals evidence of sexual misconduct, the candidate will not be employed without approval of the superintendent, or, if temporarily employed, will be terminated.

## Record Check Database 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 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), for the role and responsibilities for which they are employed. Failure to meet this requirement will be just 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.

## 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. The superintendent will give "reasonable assurance" by written notice that the staff member will be employed during the next school year.

Cross References:	Board Policy 1610	Conflicts of Interest (1st Class)
	Board Policy 5006	Certification Revocation
	Board Policy 5251	Conflicts of Interest
	Board Policy 5281	Disciplinary Action and Discharge
	Board Policy 5520	Staff Development
	Board Policy 5610	Substitute Employment
	Board Policy 6530	Insurance

Legal References:	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 of employees — Written leave policies — Seniority and leave benefits of employees transferring between school districts and other educational employers
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 nonrenewal 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 43.43.830	Background checks — Access to children or vulnerable persons — Definitions
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 181-79A	Standards for teacher, administrator and educational staff associate certification
WAC 181-82-105	Assignment of classroom teachers within districts
WAC 181-82-110	Exceptions to classroom teacher assignment policy
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:**

<i>Policy News</i> , October 2010	Employment Disclosures
<i>Policy News</i> , October 2005	Public Disclosure
<i>Policy News</i> , October 2005	Sex Offender Reporting Requirements
<i>Policy News</i> , April 2004	School Employee Sexual Misconduct
<i>Policy News</i> , October 2001	Updates from the State Board of Education
<i>Policy News</i> , June 1999	School Safety Bills Impact Policy
<i>Policy News</i> , February 1999	Local Boards Decide Endorsement Waivers
<i>Policy News</i> , August 1998	District Must Report New Hires