

Section: **PERSONNEL**  
Policy Title: **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 and attest to his/her eligibility as required by P.L. 99- 603, Immigration Reform and Control Act of 1986. 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 will 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 or in the out-of-state district denies the request.

### **Disclosures of Crime for Staff and Volunteers**

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: 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 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 and Volunteers**

#### **Staff and Volunteers with Supervised and Unsupervised Access to Children:**

Prospective unsupervised staff members and volunteers, who will have supervised and 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.

#### **Guest (fingerprint background check not required)**

A guest is one who would like to visit their children while in school. A background screening is not required.

#### **Guest Examples (including but not limited to):**

- Visiting or observing their own children in class periodically
- Having lunch with their children
- Attending classroom and school events
- Guest speakers

To ensure the safety of students and staff and avoid potential disruptions, all guests shall register immediately upon entering any school building or grounds when school is in session.

#### **Volunteer (fingerprint background check required)**

An individual who has direct volunteer access with children. Volunteer contact is defined as interaction with one or more children and care, supervision, guidance or control of one or more children. Volunteers are required to obtain clearances.

#### **Volunteer Examples (including but not limited to):**

- Regularly scheduled or periodic classroom assistants

- Playground, Library, Cafeteria assistants
- One-day event chaperone
- Overnight event chaperone
- Academic Support
- Someone who comes in before or after school to work with the children

To ensure the safety of students and staff and avoid potential disruptions, all volunteers shall register immediately upon entering any school building or grounds when school is in session.

#### 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 convictions, 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 data base. 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 data base.

#### **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 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.

- Cross References:** Policy 1610, Conflicts of Interest  
Policy 5251, Conflicts of Interest  
Policy 5252, Staff Participation in Political Activities  
Policy 5006, Certification Revocation  
Policy 5281, Disciplinary Action and Discharge  
Policy 5520, Staff Development  
Policy 5610, Substitute Employment  
Policy 6530, Insurance

- Legal References: RCW 9.96A.020 Employment, occupational licensing by public entity – Prior felony conviction no disqualification - Exception
- 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.400.301	Information on past sexual misconduct – Requirement for applicants – Limitation of 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 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 28A.660.020	Proposals – Funding
28A.660.035	Partnership grant programs – Priority assistance in advancing cultural competency skills
ESHB 115	Paraeducators

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	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 181-82-105	Assignment of classroom teachers within districts
WAC 181-82-110	School district response and support for non-matched endorsements to course assignment of teachers
WAC 1818-85	Professional certification – Continuing education requirement
WAC 392-300-050	Access to record check data base

WAC 392-300-055	Prohibition of re-dissemination of fingerprint record information by educational service districts, the State School for the Deaf, the State School for the Blind, school districts, and Bureau of Indian Affairs funded school
WAC 392-300-060	Protection of fingerprint information by educational 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> , 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
<i>Policy News</i> , October 2001	Updates from the State Board of Education
<i>Policy News</i> , April 2004	School Employee Sexual Misconduct
<i>Policy News</i> , October 2005	Public Disclosure
<i>Policy News</i> , October 2005	Sex Offender Reporting Requirements
<i>Policy News</i> , October 2010	Employment Disclosures
<i>Policy and Legal News</i> , July 2017	

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