Employment: Disclosures, Certification Requirements, Assurances and Approval

The board has the legal responsibility of employing all staff. 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 the human resources department has: “examined the documents which were presented to human resources 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 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.

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 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
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.
Unsupervised volunteers are also subject to the criminal background check which includes fingerprints.

Volunteers with supervised access to children will also be advised that they will be subjected to a name and birth date background check with the Washington State Patrol.

**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. 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.

In addition, any teacher who meets standard or continuing certification after August 30, 1987, must complete 150 hours of continuing education study every five years. Failure to satisfy this requirement will cause the certificate to lapse. If a certificated staff member with a lapsed certificate is issued a transitional certificate pursuant to WAC 181-79A-231 (7), he or she may be conditionally employed for up to two years while he or she meets the certificate reinstatement 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. The superintendent will give “reasonable assurance” by written notice that the staff member will be employed during the next school year.

**Board Approval**

The board will receive a recommendation from the superintendent regarding new staff to be hired. The board will take action to hire new staff to the district.

Cross References: Board Policy 1610 Conflicts of Interest (1st Class) and (2nd 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)
- **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:

- *Policy News*, October 2010
  - Employment Disclosures
- *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*, June 1999
  - School Safety Bills Impact Policy
- *Policy News*, February 1999
  - Local Boards Decide Endorsement Waivers
  - District Must Report New Hires
Employment: Disclosures, Certification Requirements, Assurances and Approval

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 may come from single documents which establish both identity and authorization to work, including:

**Acceptable Verification Document for New Hires**


<table>
<thead>
<tr>
<th>U.S. Passport or U.S. Passport Card</th>
<th>Alien Registration Card or Permanent Resident Card “Green Card” (Form I-551)</th>
<th>Employment Authorization Document containing a photograph (Form I-766)</th>
</tr>
</thead>
</table>

— OR —

B. One Document Establishing Identity

<table>
<thead>
<tr>
<th>Drivers License, State-Issued ID Card with Photo or School ID card with photograph</th>
<th>PLUS</th>
<th>Social Security Card or Original or certified copy of birth certificate</th>
</tr>
</thead>
</table>

The district must complete an Employment Eligibility Verification (I-9) for each staff member employed after November 6, 1986, and keep that form on file for three years. For updates visit www.uscis.gov.

**Sexual Misconduct**

For prospective employees, the school district will request sexual misconduct information from all current and former school employers, including out-of-state school employers.

All prospective employees must sign a release granting permission for the district to contact current and former employers. The release will authorize disclosure of acts of sexual misconduct and access to all school district files related to the misconduct. The prospective employee will agree to release current and past employers from liability. Refusal to allow the release of information will end consideration of the applicant.

For certificated applicants, the district will verify certification and request that the Office of Superintendent of Public Instruction release all information regarding sexual misconduct.

All such records will be treated as confidential and only the director of personnel and one specific designee identified in writing will be authorized to access the Superintendent of Public Instruction’s record check database and district record check data including records of arrest and
prosecution (RAP sheets). RAP sheets will be secured by the district in storage separate from personnel and applicant records. Further use of the record following initial employment or redissemination 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.

Employment information disclosed by the district at the request of an employee or employment agency regarding an employee’s ability to perform the job, diligence, skill, reliability or illegal or wrongful acts are presumed to be disclosed in good faith.

The district will keep a record of requests for employee information for a period of two (2) years. A copy of the record will be maintained in the employee’s file.