

EMPLOYMENT: DISCLOSURES, CERTIFICATION REQUIREMENTS, ASSURANCES AND APPROVAL

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 shall 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~~ The superintendent ~~shall~~/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 will be made on the I-9 form issued by the ~~federal~~/Federal Immigration and Naturalization Service.

Child Support Reporting for Staff

The district shall 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.~~P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Disclosure

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 ~~Crime~~: 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 shall will require the applicant to disclose whether he/she has been:

A. A.—Convicted of any crime against persons;

B. B.—Found in any dependency action under ~~RCW 13.34.030(2)(b)~~RCW 13.34 to have sexually assaulted or exploited any minor or to have physically abused any minor;

C. C.—Found by a court in a domestic relations proceeding under ~~Title 26 RCW~~Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;

~~D. 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. 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~~will be made in writing and signed by the applicant and sworn to under penalty of perjury. The disclosure sheet ~~shall~~will specify all crimes committed against persons. ~~The district shall obtain similar disclosure information from volunteers who could, potentially, be working in unsupervised settings.~~

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Background Check: for Staff and Volunteers

Definition: “Unsupervised Access to Children” means contact with children that provides personal interaction when not under the direct supervision of a child care provider or staff with supervisor authority, whether in person or virtual.

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Staff and Volunteers with Regularly Scheduled Unsupervised Access to Children:

Prospective ~~staff members and volunteers, who will have regularly scheduled~~ unsupervised ~~staff members shall 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~~will include a fingerprint check using a complete Washington state criminal identification fingerprint card.

~~Unsupervised volunteers and employees without unsupervised access to children shall also be advised that they will be subjected to a name and birth date background check with the Washington State Patrol. 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. If the background check reveals evidence of convictions as identified above, the candidate will not be recommended for employment, or if temporarily employed, will be terminated. When such a background check is received, the superintendent is directed to consult with legal counsel.~~

All Other Staff and Volunteers:

Supervised staff and volunteers 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.~~

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Conditional Employment:

New hires will be employed on a conditional basis pending the outcome of the background check. If the background check reveals evidence of convictions, the candidate will not be recommended for employment.

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~~Database Access Designee:

The superintendent/designee is directed to establish procedures for determining which staff members are authorized to access the Office of Superintendent of Public Instruction's (OSPI) record check ~~data base-~~ database. Fingerprint record information is highly confidential and shall will not be re-disseminated to any organization or individual by district staff. ~~Records of arrest and prosecution (RAP sheets)~~ shall 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 SPIOSPI record check ~~data base-~~ database.

Certification Requirements:

The district shall will require that certificated staff hold a Washington State Certificate~~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 shall will be just and sufficient cause for termination of employment. State law requires that the initial application for certification shall 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.~~

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, shall will be advised of their employment status for the ensuing school year prior to the close of the school year. ~~The~~If the district chooses to reemploy the staff member the following year, the superintendent ~~shall~~/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 shall 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

will receive the same salary and benefits as a permanent staff member. The board will act on the ~~superintendent's~~superintendent's recommendation to fill the vacancy at its next regular meeting.

Cross References:

	Board Policy 5251 <u>Board Policy 5254</u> - <u>Insurance</u>	Conflicts of Interest
	Board Policy 5006 <u>Board Policy 5006</u> - <u>Substitute Employment</u>	Certification Revocation
	<u>5520 - Staff Development</u>	
Board Policy 5281	<u>Disciplinary Action and Discharge</u>	
Board Policy 5520	Staff Development <u>5252 - Staff Participation in Political Activities</u>	
	Board Policy 5610 <u>Board Policy 5610</u> - <u>Certification Revocation</u>	Substitute Employment
	Board Policy 6530 <u>Board Policy 6530</u> - <u>Conflicts of Interest (Districts with 2,000 or more students)</u>	Insurance

Legal References:

RCW 9.96A.020 Employment, occupational licensing by public entity • • • Prior felony conviction no disqualification • • • Exceptions

~~Legal References:~~

RCW 28A.320.155

Criminal history record information--School volunteers

RCW 28A.400.300

Hiring and discharging employees--Leaves for employees--Seniority and leave benefits, retention upon transfers between schools

RCW 28A.400.301 Information on past sexual misconduct - Requirement for applicants -

	<u>Limitation on contracts and agreements - Employee right to review personnel file</u>
RCW 28A.400.303	Record checks for employees
RCW 28A.350.050	Teacher must qualify before warrant drawn and issued or registered--All districts
RCW 28A.405.060	Course of study and regulations-- <u>• • • Enforcement--• • •</u> Withholding salary warrant for failure
RCW 28A.405.210	Conditions and contracts of employment--Determination of probable cause for non-renewal of contracts--Notice--Opportunity for hearing
RCW 28A.410.010	Certification--Background check <u>Certification • • • Duty of professional educator standards board • • • Rules • • • Record check • • • Lapsed certificates • • • Superintendent of public instruction as administrator 9.96A.020RCW Employment, occupational licensing by public entity--Prior 28A.660.020 felony conviction no Proposals - disqualification--Exceptions Funding RCW 28A.660.035 Partnership grant programs - Priority assistance in advancing cultural competency skills 43.43.830--Washington State Criminal Code Records 40RCW 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</u>
49.44.240	Discrimination based on cannabis use--Exceptions
50.44.050	Benefits Payable, Terms and Conditions
50.44.053	Definition of "reasonable assurance"
P.L. 99-603	Immigration Reform and Control Act of 1986(IRCA) <u>P.L. 104-193Personal Responsibility and Work Opportunity Reconciliation Act of 1996</u>
WAC 162-12	Pre-employment Inquiry Guide (Human Rights Commission)

WAC 180-16-220	Supplemental Program Requirements <u>Supplemental basic education program approval requirements</u>
WAC 180-16-223	Temporary Out-of-Endorsement Assignment Criteria
WAC 180-16-231	Assignments of Principals
WAC 180-16-236	Assignments of Educational Staff Associates
WAC 180-79A	Standards for Teacher, Administrator <u>teacher, administrator</u> and Educational Staff Associate Certification <u>educational staff associate certification</u>
WAC 180-82-100	WAC 181-82-105 Assignment of classroom teachers within districts
WAC 180-82-110	Exceptions <u>School district response and support for nonmatched endorsements to classroom teacher</u> course assignment policy <u>of teachers</u>
WAC 180-85	<u>Professional certification • • •</u> Continuing Education <u>education requirement</u>
WAC 392-300-050	Access to record check data base
WAC 392-300-055	Prohibition of re- <u>dissemination</u> of fingerprint —record information —by education <u>educational</u> service districts —or, 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 <u>educational</u> service district —and, the State School for the Deaf, the State School for the Blind, school districts, and Bureau of Indian Affairs funded schools
WAC 446-20-285	WAC 446-20-280 Employment — • • • Conviction Records <u>records</u>

Management Resources: ~~2023—December~~2017 - July Issue
~~2017—July~~2010 - October Issue
~~2010—Policy News,~~ October ~~Issue~~2005 Public Disclosure
Policy News, October 2005 ~~Public Disclosure~~Sex Offender Reporting
Requirements
Policy News, ~~October 2005 Sex Offender Reporting Requirements~~April
2004 School Employee Sexual Misconduct
Policy News, ~~April 2004 School Employee Sexual Misconduct~~October
2001 Updates from the State Board of Education
Policy News, ~~October 2001 Updates from the State Board of~~
~~Education~~June 1999 School Safety Bills Impact Policy
Policy News, ~~June~~February 1999 ~~School Safety Bills Impact Policy~~Local
Boards Decide Endorsement Waivers
Policy News, ~~February 1999 Local Boards Decide Endorsement~~
~~Waivers~~August 1998 District Must Report New Hires
~~Policy News, August 1998 District Must Report New Hires~~

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