

	<p>EMPLOYMENT: DISCLOSURES, CERTIFICATION, ASSURANCES & APPROVAL</p>	<p>Policy No. 5005</p> <p>August 22, 2024</p> <p>Page 1 of 5</p>
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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 shall present necessary documents that establish eligibility to work and attest to their eligibility as required by P.L. 99-603, Immigration Reform and Control Act of 1986. As required by federal immigration law, the Superintendent or their designee shall certify that they have: “examined the documents that 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.

The district shall 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 shall 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 shall 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 if the out-of-state district denies the request.

Disclosure of Crime

Prior to employment of any staff member, the district shall require the applicant to disclose whether they have 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.

The disclosure shall be made in writing, signed by the applicant and sworn to under penalty of perjury. The disclosure sheet shall specify all crimes committed against persons.

Background Check

Prospective staff members shall 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.

Volunteer athletic coaches for the district in K-8, middle schools, and high schools shall have their records checked through the Washington State Patrol criminal identification system and through the Federal Bureau of Investigation, or using a national criminal background check service. The national service must be approved by Human Resources. All background checks must be cleared before they may start their volunteer coaching; however, a volunteer athletic coach may begin coaching on a conditional basis pending the outcome of the national criminal background check if a Washington State Patrol (WATCH) check has been done and a national criminal background check has been ordered.

The Superintendent shall have their designee provide a basis upon which frequency and levels of volunteer background checks will be performed pursuant to risk levels of various volunteer roles.

All volunteers shall be advised that they will be subjected to a state or national criminal background check. Volunteers may not start until this background check is completed.

Prospective staff members 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 a guilty plea or convictions under RCW 28A.400.322, the candidate will not be recommended for employment, or if temporarily employed, will be terminated. When such a background check is received, the Superintendent or their designee is directed to consult with legal counsel.

If an applicant for employment has undergone a criminal record check by the Washington state patrol criminal identification system in the last two years for another entity, in lieu of a new background check, the district may request a release permitting the entity who conducted the check to provide a copy of the original record check's results to the district.

Providing false information on an application of employment or volunteer application may result in immediate termination of employment or services. If the background check reveals evidence of a guilty plea or conviction, outside of the crimes listed in RCW 28A.400.322, the district will review the entire employment file and the position to determine if the candidate or volunteer will be recommended for employment or allowed to volunteer, or if temporarily employed, will be terminated.

Record Check Database Access

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 shall not be re-disseminated to any organization or individual by district staff. Records of arrest and prosecution (RAP sheets) shall 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 shall require that certificated staff hold a regular Washington state certificate, unless a waiver is obtained, 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 shall be just cause for termination of employment. State law requires that the initial application for certification shall 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 confirmed and recorded a valid certificate for the role to which the staff member 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(2), the staff member may be conditionally employed for up to two years while the staff member meets the certificate reinstatement requirements.

Classified Staff

Classified staff who are engaged to serve less than twelve (12) months shall be advised of their employment status for the ensuing school year prior to the close of the school year. Employees not continuing will receive written notice from Human Resources.

Board Approval

All staff members selected for employment shall be recommended by the Superintendent. The Board shall approve the selected staff through the personnel report each month. In the event an authorized position must be filled before the Board can take action, the Superintendent has the authority to fill the position temporarily with an employee who shall receive the same salary and benefits as a permanent staff member. The Board shall act on the Superintendent's recommendation to fill the vacancy at its next regular meeting.

Adopted: October 2011

Revised: August 2024 (per Policy No. 1310); April 2024 (per Policy No. 1310); May 2019

Cross Reference: Policy Nos. 5000; 5610; 6501

Related Superintendent Procedure: 6501SP

Previous Policies:

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.400.301 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 and certain volunteers and contractors—Cost; 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 - .840 Washington State Criminal Code Records; Chapter 49.44 RCW Violations— Prohibited Practices; 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 Education employees—Determination of "contract" or "reasonable assurance."; 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; Chapter 162-12 WAC Preemployment Inquiry Guide (Human Rights Commission); WAC 180-16-220 Supplemental basic education program approval requirements; Chapter 181-79A WAC 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 nonmatched endorsements to course assignment of teachers; Chapter 181-85 WAC 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 educational service districts, the Washington center for childhood deafness and

hearing loss, state school for the blind, school districts, Bureau of Indian Affairs funded schools, state tribal education compact schools, approved private schools, and approved charter schools;
WAC 446-20-280 Employment — Conviction Records
Management Resources: *WSSDA Policy & Legal News*, June 1999; February 1999; August 1998;
October 2001; April 2004; October 2005; October 2010