



Moss Adams Performance Audit

Prevention and Response to Employee and Contractor Perpetrated Student Safety Incidents

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FINAL REPORT

Seattle Public Schools

PREVENTION AND RESPONSE TO EMPLOYEE AND CONTRACTOR-PERPETRATED STUDENT SAFETY INCIDENTS PERFORMANCE AUDIT

October 19, 2023

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I. EXECUTIVE SUMMARY

Moss Adams LLP (Moss Adams) conducted this Prevention and Response to Employee and Contractor-Perpetrated Student Safety Incidents Performance Audit for Seattle Public Schools (the District, SPS). The goal of this performance audit is to assess whether the District has implemented reasonable mechanisms to prevent student safety incidents committed by an employee or contractor, and whether it has an efficient and effective ability to detect and address such incidents. This audit examined the District's current practices for maintaining student safety in relation to employees and contractors. Our audit objectives were to:

- Confirm that District policies and procedures related to employees and contractors are aligned with applicable regulatory requirements for maintaining student safety and reporting any incidents involving student safety.
- Verify that employee and contractor hiring practices include thorough criminal background screening and reference checks for individuals who may have contact with students or student information.
- Confirm that employee and contractor onboarding practices contain training on allowable interactions with students, including disciplinary actions.
- Verify that the District has implemented sufficient reporting mechanisms to enable student safety incidents perpetrated by an employee or contractor to be reported to the appropriate contacts and authorities, as needed.
- Verify that the District has sufficient mechanisms to track the timing and results of employee and contractor student safety investigations.
- Verify that Human Resources (HR) practices include efficient disciplinary measures for employees or contractors who violate applicable District policies, up to and including termination or criminal prosecution.

This assessment was conducted from March 2023 to October 2023. Our analysis was informed by interviews, document review, testing, and research into industry best practices. Below is a summary of the findings and recommendations. This audit was conducted in conformance with the International Standards for the Professional Practice of Internal Auditing.

A. SUMMARY OF FINDINGS AND RECOMMENDATIONS

Unlike in a financial audit, a finding within a performance audit does not necessarily indicate a significant failure of the organization. Rather, findings are intended to identify opportunities for improvement as the organization strives to achieve optimal effectiveness. Findings and recommendations are summarized in the following table.



FINDINGS AND RECOMMENDATIONS			COMPLIANCE STATUS
Objective 1: Policies and Procedures			
1.	Finding	District policies lack detail on hiring requirements relating to sexual misconduct reporting and background checks.	Compliance Alignment
	Recommendation	Update policies and procedures relating to employee hiring to more clearly articulate hiring requirements, including requirements to report prior sexual misconduct and complete a background check before beginning employment at the District.	
2.	Finding	The District lacks documented guidance to reflect how background check determinations are made for convictions not addressed in Revised Code of Washington (RCW) 28A.400.322 and how to manage nondisclosure of prior incidents by applicants, which creates a risk of inconsistent disqualification determinations.	Compliance Alignment
	Recommendation	<p>A. Develop guidelines for background check disqualification determinations when disqualifications aren't driven by state law, addressing at a minimum how charges should be addressed depending on when they occurred, the nature of the conviction, and whether self-reported information deviated from background or reference check results.</p> <p>B. Require that the reasons for applicant disqualification based on background check reviews be clearly documented.</p> <p>C. To reduce applicant confusion, clarify what qualifies as a reportable investigation in the application questionnaire, including definitions for what investigation types should be disclosed and whether investigations must be reported after a set number of years.</p>	
Objective 2: Hiring Practices			
3.	Finding	The District ensured the completion of criminal background screening and sexual misconduct release forms for most but not all employees who may have contact with students. Within our sample of 52 hired employees, we found the District hired one employee without background check records, three employees more than a month prior to background check clearance, and two without completed sexual misconduct screenings.	Compliance Alignment
	Recommendation	Create and implement a mandatory hiring checklist for each type of employee to ensure all applicants have completed the necessary requirements before they are hired, including completion of background checks and sexual misconduct screenings before an employee starts work.	



FINDINGS AND RECOMMENDATIONS			COMPLIANCE STATUS
4.	Finding	Not all hiring managers documented three reference checks and some positions do not require reference checks to be performed, presenting a risk that the District may not consistently identify problematic behaviors that could impact student safety prior to hiring.	Compliance Alignment
	Recommendation	<ul style="list-style-type: none">A. Work with bargaining units to standardize reference check forms and processes.B. Train hiring managers on proper reference check procedures and documentation requirements.C. Consider automating reference check processes to ensure adequate checks for all employees who have contact with students or student information.	
5.	Finding	Community partner records do not provide consistent information demonstrating that their employees or volunteers working in District schools completed background checks and misconduct training, creating a risk that individuals who may not be cleared or trained in District policy are working in schools.	Compliance Alignment
	Recommendation	<ul style="list-style-type: none">A. Adopt standardized agreements with contractors and community partners who may have contact with students to ensure the completion of background checks and misconduct training are both addressed.B. Ensure that agreements with contractors and community partners require the sharing of lists detailing employees who will work with the District, employees who have completed the required background check, and employees who have completed the required sexual misconduct prevention training.C. Develop, implement, and assign contract managers the responsibility to reconcile contractor and community partner employee lists to ensure individuals completed the required background checks and sexual misconduct prevention training. This process should also address how new employee completion of these processes is verified.	
6.	Finding	Decentralized hiring processes for some staff in departments such as Athletics, Facilities, and Culinary Services contribute to confusion, inconsistencies, and potential gaps in staff hiring processes.	Performance Improvement
	Recommendation	<ul style="list-style-type: none">A. Continue efforts to centralize oversight of coach hiring processes, including consistent procedure documentation, to enable HR to ensure that all required employee vetting occurs.B. Consider adopting similar centralized oversight for other hiring processes that are largely decentralized, such as Facilities and Culinary Services.	



FINDINGS AND RECOMMENDATIONS			COMPLIANCE STATUS
7.	Finding	Volunteers working with students are not consistently approved or tracked by the District, indicating that not all volunteers may be properly vetted before working with students.	Performance Improvement
	Recommendation	<p>A. Standardize visitor logs and update District policies to require schools to confirm or verify the type of school visitor on visitor tracking logs.</p> <p>B. Update District policies to establish oversight responsibilities over volunteer presence in schools and require the verification of volunteer status prior to allowing volunteers to visit schools unaccompanied.</p>	
Objective 3: Onboarding Practices			
8.	Finding	In reviewing a sample of employee training materials, we found nine out of 52 employees tested did not have records indicating completion of required professional boundary training.	Compliance Alignment
	Recommendation	Continue to implement and enforce formal consequences for noncompliance in completing the required professional boundaries training.	
Objective 4: Reporting Safety Incidents			
9.	Finding	The District has implemented reporting mechanisms to enable student safety incidents perpetrated by an employee or contractor to be reported to the appropriate contacts as needed, but some staff indicate that there may be ongoing opportunities to clarify the appropriate reporting party.	Performance Improvement
	Recommendation	Continue conducting annual trainings on proper student safety incident reporting procedures for building officials and other staff who play a key role in reporting.	
Objective 5: Investigation Tracking and Monitoring			
10.	Finding	Discrimination-related investigations are often not completed within the 30-day timeframe articulated in the RCW due to high workloads in LER.	Compliance Alignment
	Recommendation	Develop a process improvement initiative for discrimination complaints, identifying lessons learned from investigations and process improvements that would improve investigation time.	
11.	Finding	Investigation data is not consistently tracked in iSight, the District case management system, preventing the District from easily analyzing and tracking all cases.	Performance Improvement
	Recommendation	Develop processes to collect case-level data on investigations, including those conducted by building-level investigators, to ensure accurate investigation data is documented.	



FINDINGS AND RECOMMENDATIONS			COMPLIANCE STATUS
12.	Finding	The District does not have a documented process for investigating contractors and community partners for safety incidents, as well as for tracking these incidents, increasing the risk that such incidents could be handled inconsistently.	Performance Improvement
	Recommendation	Incorporate how contractor and community partner-related safety incidents should be addressed and tracked in formal policy, and ensure related language is incorporated into future agreements.	
Objective 6: Disciplinary Action			
13.	Finding	The District generally approaches discipline consistently, but responsibility for disciplinary actions between HR and building officials continued to be perceived as confusing for some building leaders.	Performance Improvement
	Recommendation	The District should continue to reiterate roles and responsibilities for disciplinary actions between building officials and HR.	



II. BACKGROUND, SCOPE, AND METHODOLOGY

A. BACKGROUND

SPS is the largest school district in Washington, with more than 50,000 students in 107 schools during the 2021–2022 school year. The District is led by a seven-member elected School Board (the Board), Superintendent, Deputy Superintendent, two Associate Superintendents, and nine Assistant Superintendents/Chiefs (collectively referred to as "District leadership"). In response to several high-profile student safety incidents, District leadership requested a performance audit of prevention and response to employee and contractor-perpetrated student safety incidents.

The Human Resources Department (HR, the Department) has primary responsibility for preventing and responding to student safety issues for most building staff, including teachers. The Strategy and Operations Division has responsibility for hiring and screening employees, while the Labor and Employee Relations (LER) Division responds to background check results and incident reports. Although HR has responsibility for most employee hiring, several divisions such as Facilities, Nutrition Services, and Athletics largely manage their own employee hiring practices. Additionally, contractors with student contact are managed and overseen by the division in which the individual is performing services. Though HR has a primary role in preventing and responding to student safety incidents, the Department has been characterized by high levels of organizational change over the past several years, with staffing cuts going into the 2024 school year.

B. SCOPE AND METHODOLOGY

This performance audit project assessed the extent to which the District has implemented reasonable mechanisms to prevent student safety incidents committed by an employee or contractor, and whether it has an efficient and effective ability to detect and address such incidents. This analysis was informed by staff interviews, focus groups, document reviews, testing, and research on industry best practices. The audit was conducted between March 2023 and October 2023, and consisted of four major phases:

- 1. Project Initiation and Management:** This phase concentrated on comprehensive project planning and project management including scope setting, identifying staff to interview and documents to review, establishing an audit plan, and providing quality assurance.
- 2. Fact Finding:** This phase included staff interviews, focus groups, document review, testing, and research into industry standards. We worked with District staff to obtain the most current information and insights.
 - **Staff Interviews and Focus Groups:** We conducted interviews and focus groups with approximately 47 employees from across the District. We included representation from District leadership, HR, principals, and key stakeholders.
 - **Document Review:** We reviewed documents including organizational charts, policies and procedures, contracts, and other HR guidance documents.
 - **Testing:** We conducted testing for the prior two school years (2021–2022 and 2022–2023) on the following areas:
 - Hiring and onboarding practices for employees, contractors, community partners, and volunteers



- Investigation timeliness analysis and disparity analysis
 - Hiring disqualification analysis
 - o Industry Standards and Best Practice Research: Based on the opportunities for improvement identified, we conducted research to ascertain industry standards and best practices.
3. **Analysis:** This phase served as the assessment portion of the project. Based on the information gathered, we evaluated the importance, impact, and scope of our observations to develop recommendations designed to increase the efficiency and effectiveness of student safety practices.
 4. **Reporting:** This phase concluded the project. We reviewed draft observations and recommendations with District leadership to validate facts and confirm the practicality of recommendations.

This audit was conducted in conformance with the International Standards for the Professional Practice of Internal Auditing.



III. COMMENDATIONS

Although the focus of this performance audit was to identify areas for improvement in student safety practices, it is important to note the areas of strength that can be leveraged for further improvement within the District. The following is a list of commendations that the Moss Adams team would like to note:

- **Continuous Improvement:** Those interviewed indicated that HR has made many updates to the hiring, onboarding, and investigation procedures throughout the last year. A common theme throughout our interviews was a sense everyone wants to improve processes and create a safe place for students.
- **Committed and Dedicated Work Ethics:** The Department has experienced changes in personnel and processes over the last year, including employee layoffs in August 2023, but have stayed positive and committed to doing their best.

We would like to commend HR staff and District leadership for their willingness to assist us in this performance audit process. These commendations, coupled with our findings and recommendations, provide an overview of areas of strengths and weaknesses that can help improve operations and reduce risk at the District.



IV. AUDIT RESULTS

Based on the input gathered from interviews, document review, focus groups, and testing, as well as comparisons to best practices, we prepared a comprehensive set of findings and recommendations. Each finding is categorized as either Compliance Alignment or Performance Improvement:

- **Compliance Alignment:** Findings that fall under the Compliance Alignment category indicate noncompliance with regulatory requirements, such as state law and/or District policies.
- **Performance Improvement:** Findings categorized as Performance Improvements note opportunities to enhance District processes based on best practices and opportunities, to improve the efficiency and effectiveness of the District.

Unlike in a financial audit, a finding within a performance audit does not necessarily indicate a significant failure of the organization. Rather, findings are intended to identify opportunities for improvement as the organization strives to achieve optimal effectiveness.

A. OBJECTIVE 1: POLICIES AND PROCEDURES

The first objective was to confirm that District policies and procedures related to employee and contractors align with applicable regulatory requirements for maintaining student safety and reporting any incidents involving student safety. We found the District is aligned with this objective in that District policies and procedures are aligned with regulatory requirements. We have identified the following opportunities to improve District policies and procedures related to student safety.

Hiring Practices Policies and Procedures

1.	Finding	District policies lack detail on hiring requirements relating to sexual misconduct reporting and background checks.
	Recommendation	Update policies and procedures relating to employee hiring to more clearly articulate hiring requirements, including requirements to report prior sexual misconduct and complete a background check before beginning employment at the District.
	Category	Compliance Alignment

District policies and procedures align with student safety requirements. However, not all requirements that exist in practice are reflected in relevant policies, resulting in opportunities for clarification. We identified one policy area that could be clarified to better reflect District practices:

- **Hiring Requirements:** Requirements to report prior sexual misconduct and undergo a background check could be more explicitly stated in District hiring policies. District Policy 5000, Recruitment and Selection of Staff, states that staff must follow the District’s standards in the hiring process, including standard screening, interviews, the reference check process, collective bargaining agreements, and legal requirements, but does not explicitly articulate the requirement



for a background check or reporting prior sexual misconduct. District policy should state that each employee is required to pass a background check prior to starting work at SPS and that employees who previously worked at a school district must report any prior sexual misconduct by submitting the Washington State Sexual Misconduct Disclosure Release Form. The policy should also define which employee types are required to have reference checks or interviews and the number of reference checks or interviews required. By incorporating these requirements into District policy, hiring procedures will be clearer and potential employees will be better able to be held accountable for completing pre-start date checks that promote student safety.

District staff noted that policies and procedures are reviewed annually and updates are made based on federal and state requirements, providing an effective avenue by which these clarifications could occur.

Background Check Policies and Procedures

2. Finding	Finding	The District lacks documented guidance to reflect how background check determinations are made for convictions not addressed in Revised Code of Washington (RCW) 28A.400.322 and how to manage nondisclosure of prior incidents by applicants, which creates a risk of inconsistent disqualification determinations.
Recommendation	Recommendation	<p>A. Develop guidelines for background check disqualification determinations when disqualifications aren't driven by state law, addressing at a minimum how charges should be addressed depending on when they occurred, the nature of the conviction, and whether self-reported information deviated from background or reference check results.</p> <p>B. Require that the reasons for applicant disqualification based on background check reviews be clearly documented.</p> <p>C. To reduce applicant confusion, clarify what qualifies as a reportable investigation in the application questionnaire, including definitions for what investigation types should be disclosed and whether investigations must be reported after a set number of years.</p>
Category	Category	Compliance Alignment

The Labor and Employee Relations (LER) Division reviews all background check results that indicate a potential employee safety concern (“hits”). Based on an initial review of these hits, the Director of Investigations and Compliance determines whether the candidate should be disqualified based on RCW 28A.400.322 requirements. These requirements apply to all certificated or classified employees who have contact with children. If the hit is not related to a conviction listed in the RCW or is not related to a certificated or classified employee in contact with children, District staff indicated that HR Directors (including the Director of Investigation and Compliance and Director of Strategy and Operations) review the hits together to determine if the applicant can be hired based on the case’s



unique circumstances. This second review is primarily based off the judgement of the HR Directors, who consider factors such as the length of time since the incident occurred and whether the applicant honestly represented any relevant past incidents in their application questionnaire. There is no formal guidance that guides this determination, however, and the reason for disqualification is not clearly documented in these cases.

Within the 2021–2022 and 2022–2023 school year’s Record of Arrests and Prosecutions (RAP) reports, only four applicants were determined to be ineligible by LER. Two applicants’ relevant previous convictions were listed in the RCW while the other two applicants’ convictions did not appear in the RCW. As noted previously, there was no documentation available to indicate why the other two applicants were determined ineligible for hire.

District staff indicated that HR has increased scrutiny around accurate disclosures in applications throughout the last school year, particularly for applicants who are being rehired by the District. Applicants who currently work or previously worked for the District undergo a second review by LER to ensure all disclosures made on the application align with background check results and employee files. LER added these checks to better leverage the additional information available to the District for rehire applicants, and to reduce the District’s risk of rehiring an employee with concerning past behaviors.

If an incident contained within the District’s records is not disclosed by the applicant, LER does not recommend hiring the individual. Some interviewed individuals expressed frustration with this process, indicating that the application does not sufficiently guide applicants on what types of incidents must be reported. Interviewees indicated that employees do not always know what constitutes a reportable investigation, when investigations are documented in their employee files, or whether incidents that occurred many years ago should be reported. This lack of clarity in understanding which prior incidents should be disclosed may disqualify candidates who would otherwise qualify if they were not current or prior employees, which is due to confusion about the process rather than concerning applicant behavior.

The District should develop guidelines for background check disqualification determinations where disqualifications are not driven by state law. This will help address how charges should be addressed consistently, particularly if there is turnover among those who actively review and make these determinations. These guidelines should consider when a conviction occurred, how similar convictions were handled, and the number of convictions. Any applicant disqualification based off background check reviews should be clearly documented, to provide information for consistently applying disqualification criteria and promoting equity in the process.

In the application questionnaire, the District should clarify what qualifies as a reportable investigation, such as whether this includes investigations that were not documented in the employee file, and whether investigations must be reported after a set number of years. This clarification will help reduce the risk that a qualified application is disqualified for misunderstanding the application requirements.

HR should document how it handles deviations between self-reported information and background and reference check information. These decisions should also be documented in a way that enables flexibility under the various circumstances that may arise, while also providing guidance to support consistent treatment over time.



B. OBJECTIVE 2: HIRING PRACTICES

The second objective was to verify that employee and contractor hiring practices include thorough criminal background screening and reference checks for individuals who may have contact with students or student information.

We found the District is partially aligned with compliance requirements. District hiring practices ensure criminal background screening and reference checks for most, but not all, individuals who may have contact with students or student information. Background check determinations also lack formal processes for disqualification that are not driven by state law. As a result, some employees did not complete background checks or reference checks prior to their hire date.

Employee Background Screening

3.	Finding	The District ensured the completion of criminal background screening and sexual misconduct release forms for most but not all employees who may have contact with students. Within our sample of 52 hired employees, we found the District hired one employee without background check records, three employees more than a month prior to background check clearance, and two without completed sexual misconduct screenings.
	Recommendation	Create and implement a mandatory hiring checklist for each type of employee to ensure all applicants have completed the necessary requirements before they are hired, including completion of background checks and sexual misconduct screenings before an employee starts work.
	Category	Compliance Alignment

RCW 28A.400.303 requires that all District employees and contractors pass a background check prior to being hired. However, state law includes provisions that allow individuals to be employed on a conditional basis pending completion of their background check. Of the 52 hired employees reviewed in our audit procedures, the District was unable to provide background check records for one employee. Though all other employees completed their background check, three of the 52 employees had a hire date that preceded the date their background check was cleared by more than a month after school had started, as shown below:

HIRE DATE	DATE BACKGROUND CHECK CLEARED	*DAYS LATE
9/1/2021	11/13/2021	73
8/3/2022	7/13/2023	344
9/3/2021	11/11/2021	69

* Number of days between hiring and background check clearance.



District staff indicated that the hire dates recorded in the Human Resource Information System (HRIS) and used for this analysis are in most cases the same as the start dates, increasing the risk that adults who would not be qualified to work with students due to safety concerns may work with students while their background checks are pending. HR reported there can be flexibility in the start date, particularly when hiring in the summer and at the beginning of the school year when teachers may start with training before the first day of classes and interaction with students.

District staff also reported that exceptions were allowed in prior years due to significant staffing shortages and building needs, enabling some employees to work prior to background check clearance. At the beginning of the 2021–2022 school year, the District updated its practices to require all employees to obtain background check clearance before starting work. With the more stringent background check clearance timeline, the District saw fewer employees starting work prior to a background check clearing. In alignment with best practices, the District should continue its efforts to ensure all employees receive a background check clearance prior to starting work involving student contact or student information.

According to RCW 28A.400.301, applicants are also required to disclose any sexual misconduct and make available to the District any sexual misconduct investigations or files from previous school districts, if applicable. Two of 52 employees reviewed in our testing did not have Washington State Sexual Misconduct Disclosure Release Forms on file at the District and had previously worked in a school district. This indicates that the District did not receive access to potential investigations or files from prior school district employers. Employees who previously worked at a school district are required to provide these release forms, since their prior employer may have sexual misconduct information that should be reported to SPS. Both employees and the District share a responsibility to ensure that this information is consistently made available to comply with state law and protect student safety.

The District should create and implement a mandatory hiring checklist for each type of employee, to ensure all applicants have completed the necessary requirements before they are hired. This checklist should minimally include the following elements:

- Application
- Background check clearance by LER
- Washington State Sexual Misconduct Disclosure Release Form
- Reference forms completed by the hiring manager (the checklist should indicate how many, if any, references are required, by employee type)
- Interview form completed by the hiring manager (the checklist should indicate if this is required, by employee type)
- Sexual misconduct training completion
- If a rehire, approval from LER

HR should review all of these items for completion before the employee starts work. If there are exceptions, HR should document the reason for the exception and confirm that another employee with the appropriate clearances will accompany the individual until they are able to complete all of the above requirements.



Employee Reference Checks

4.	Finding	Not all hiring managers documented three reference checks and some positions do not require reference checks to be performed, presenting a risk that the District may not consistently identify problematic behaviors that could impact student safety prior to hiring.
	Recommendation	<p>A. Work with bargaining units to standardize reference check forms and processes.</p> <p>B. Train hiring managers on proper reference check procedures and documentation requirements.</p> <p>C. Consider automating reference check processes to ensure adequate checks for all employees who have contact with students or student information.</p>
	Category	Compliance Alignment

According to application requirements, the District conducts three reference checks prior to hiring most employees and one reference must be from a recent supervisor. According to District hiring process documents, hourly, athletic, and maintenance employees as well as substitute teachers are not required to have a reference check as part of the hiring process.

Of the 52 eligible employees within our sample, two employees had a record of only two reference checks instead of the required three. These two employees provided three references, but the District provided only two associated reference check forms, indicating the hiring manager may have only contacted two references or that the third reference did not respond. The District was not able to provide reference check forms for six of the 52 employees within our sample, indicating the employees may not have received the necessary reference checks or records were not appropriately retained.

Staff indicated that responsibility for reference checks and pre-hire processes between school staff and HR were unclear, especially in regard to coaches, for whom a reference check was not required until the 2023–2024 school year. Reference checks are typically done at the school or department level and reference check forms are not consistent across the District, potentially adding to hiring manager confusion. Staff also raised concerns about the lack of references required for certain positions that have extensive contact with students, such as substitute teachers; however, HR lacks the resources to properly review reference checks for substitutes, particularly given recent staff cuts. Reference checks are an important step in the hiring process, providing insights into an applicant’s work history, performance, and interpersonal skills that may not be captured by a background check. If they are not completed, the District may not identify concerning applicant characteristics prior to hire that do not appear in a background check, but which nevertheless could contribute to student safety.



The District should work with bargaining units to standardize reference check forms to increase consistency and efficacy in reference check processes. HR should also train each hiring manager on how to properly conduct a reference check, what positions require three references, and documentation requirements for reference checks, including when a third reference cannot be obtained.

As HR does not have capacity for additional reference check reviews, the District may consider automating reference checks for some positions, like substitutes. References would be automatically sent a fillable template or survey from the information provided in the application, and would provide responses to the survey questions along with a score of “recommend for hire” or “do not recommend,” with responses indicating potential risk sent back to HR for review. This process would reduce the amount of time and effort required by hiring managers and HR staff to ensure a consistent process for all employee candidates who have contact with students. Depending on the level of assurance desired, this would still require some manual work for someone to review the responses from references. For low levels of assurance, the survey or form could filter out candidates with “do not recommend” reference scores or those given a certain score. To more fully automate this process, the District may consider investing in a vendor who provides these services.

Community Partner Hiring Practices

5. Finding	Community partner records do not provide consistent information demonstrating that their employees or volunteers working in District schools completed background checks and misconduct training, creating a risk that individuals who may not be cleared or trained in District policy are working in schools.
Recommendation	<ul style="list-style-type: none"> A. Adopt standardized agreements with contractors and community partners who may have contact with students to ensure the completion of background checks and misconduct training are both addressed. B. Ensure that agreements with contractors and community partners require the sharing of lists detailing employees who will work with the District, employees who have completed the required background check, and employees who have completed the required sexual misconduct prevention training. C. Develop, implement, and assign contract managers the responsibility to reconcile contractor and community partner employee lists to ensure individuals completed the required background checks and sexual misconduct prevention training. This process should also address how new employee completion of these processes is verified.
Category	Compliance Alignment



According to District processes, community partners are required to complete a background check and sexual misconduct prevention training (the District's Adult Sexual Misconduct Prevention Course) before working with students. The requirements for both of these are typically stated in the partners' Memorandum of Understanding (MOU) with the District. To understand how these requirements are applied, Moss Adams requested all community partner agreements (24 MOUs) during the 2022–2023 school year. In our review of these agreements, we noted several discrepancies in how requirements were applied:

- **Missing listing of employees with completed background checks:** One of the 24 MOUs we reviewed did not require the organization to list all staff who completed background checks. By signing the agreement in this instance, the organization instead “affirms all staff, volunteers, and agents working with District students will have undergone and passed a criminal history background check prior to the commencement of their work.”
- **Missing sexual misconduct prevention training requirement:** While the background check requirement appeared in all 24 MOUs reviewed, one did not include language requiring partners to complete the District's sexual misconduct prevention training.
- **Missing listing of employees with completed sexual misconduct prevention training:** Eleven of the MOUs did not require the organization to list staff who completed the District's sexual misconduct prevention training, and an additional four that had this requirement did not provide a list detailing these staff.
- **Employee listings for completion of background checks and sexual misconduct training did not match:** Of the eight MOUs that included both a list of employees who received background checks and a list of employees who completed the District's sexual misconduct prevention training, four did not have employee background check and training lists that matched one another. One of these MOUs listed individuals who completed the background check and were not listed as having completed the sexual misconduct course. In three of the MOUs, the partner listed individuals who completed the sexual misconduct course but did not appear on the completed background checks list. Both the background check and adult sexual misconduct training course are required for all individuals who work with students; therefore, all of these individuals should have completed both requirements.

The District should ensure that all agreements with contractors and community partners who may have contact with students include language requiring that the organization's staff complete the District's Adult Sexual Misconduct Prevention Course. Agreements should follow a standard template for all community partners to ensure this language is included, and should require partners to list all affiliated individuals who are anticipated to work with the District, including those with background check clearance and those who have completed the District's sexual misconduct prevention training.

In addition, the District should assign the contract manager responsibility over reviewing agreements before execution to ensure they are complete, including background check and sexual misconduct sections. In reviewing these sections, the assigned contract manager should ensure the lists match, as all partners engaging with students are required to complete both sections. In instances where a community partner does not anticipate working with students, the partner should document this exception in the agreement and agree to inform the District if this changes in the future. Finally, the agreement should include language requiring community partners to inform the District of new employees or volunteers working with the community partner in the District, and to provide



background check clearance and sexual misconduct confirmation before these individuals interact with students. The District should ensure that all parties at the District who are involved in community partners, including those outside of HR, are involved in addressing these recommendations.

Decentralized Hiring Practices

6. Finding	Decentralized hiring processes for some staff in departments such as Athletics, Facilities, and Culinary Services contribute to confusion, inconsistencies, and potential gaps in staff hiring processes.
Recommendation	<p>A. Continue efforts to centralize oversight of coach hiring processes, including consistent procedure documentation, to enable HR to ensure that all required employee vetting occurs.</p> <p>B. Consider adopting similar centralized oversight for other hiring processes that are largely decentralized, such as Facilities and Culinary Services.</p>
Category	Performance Improvement

Coaches are typically hired at the building level, which is overseen by principals and Athletics administration. Employees noted that building-level administration may have a desire to expedite the hiring of coaches to prevent any sports practice delays due to pressures from students and parents. While concerning for many interviewed staff, this practice is allowed according to RCW 28A400.303(d), which states “When necessary, applicants for employment may be employed on a conditional basis pending completion of the record check.” However, this potentially puts the school community at risk if a coach’s background check comes back as ineligible for hire. None of the coaches in our sample were hired prior to their background check clearing, though staff indicated that in the past some employees, particularly coaches, were hired or otherwise worked with students before a background check had been cleared.

Staff also reported confusion over who is considered to be a coach, as some employees may have multiple assignments and take on a coaching position without first applying for the position and going through the formal hiring process. Some of this confusion and inconsistency in hiring is driven by the decentralized nature of hiring in departments such as Athletics, Facilities, and Culinary. Employee hiring is overseen by these respective departments rather than central HR. District staff noted that this can create confusion and inconsistencies over related hiring processes.

HR has acknowledged the challenges in hiring coaches and plans to update the process going forward to require all coaches to apply through NeoEd, be interviewed by HR, and not be hired until their background checks are cleared. Previously not all coaches applied through NeoEd, creating confusion as to who was a coach—which sometimes led to coaches slipping past required hiring processes. In addition, not all coaches were interviewed, which is an important step when assessing whether a candidate has the skills, experience, and is the right personality fit for the position. This



new centralized process will help ensure all coaches are vetted consistently and coaches hired are qualified.

Along with this initiative, HR should consider implementing consistent hiring procedures for all employees who have contact with students or student information. While Athletics currently aligns with the hiring processes of most other District employees, Facilities and Culinary Services positions may continue to have differences in their processes, such as exemptions from reference checks and/or interviews. Core employee hiring requirements should be established by central HR and departments should adopt these practices to promote student safety.

Volunteer Monitoring and Tracking

7. Finding	Volunteers working with students are not consistently approved or tracked by the District, indicating that not all volunteers may not be properly vetted before working with students.
Recommendation	<p>A. Standardize visitor logs and update District policies to require schools to confirm or verify the type of school visitor on visitor tracking logs.</p> <p>B. Update District policies to establish oversight responsibilities over volunteer presence in schools and require the verification of volunteer status prior to allowing volunteers to visit schools unaccompanied.</p>
Category	Performance Improvement

We reviewed a sample of 35 volunteer applications and associated volunteer tracking sheets to confirm that volunteers were properly reviewed and approved to work with students. Of the 35 volunteers reviewed, 15 had not received in-person school identification verification approval by a school program volunteer program liaison, which is a District volunteer procedure requirement. It is possible that some of these volunteers had not yet volunteered at the time of this review, and therefore would not have been verified by a school yet or were not considered volunteers according to District definitions.

The Volunteer Handbook defines a volunteer as “a person recruited by SPS and matched with a volunteer role supporting SPS personnel and SPS-sponsored activities. Volunteers are not paid by any source for their service.” Volunteers are different from community-based organizations (CBOs) that provide services for schools. Anyone who volunteers with a CBO is required to follow the CBO’s procedures and does not need to register as a volunteer with the District. The District categorizes volunteers into the following categories:

- In-Person School Volunteer
- Remote Volunteer
- Field Trip Volunteer



The Handbook further distinguishes visitors and guests as a person who “with district approval, assists at a school on a one-time basis or attends a school-sponsored event or activity. This person has no unsupervised exposure or contact with children.” The distinction between volunteer and visitor can be confusing to those entering a school, and there may be overlap for an individual visiting a school and in the process of becoming a volunteer.

Volunteer tracking sheets did not consistently note the status of volunteers, preventing verification of compliance with the Handbook. Without more information, it is possible that some of these volunteers may have worked with students without their identity being properly verified in accordance with District procedure.

Additional inconsistencies were noted in our review of sampled October 2022 and February 2023 visitor logs from a K–8 school, middle school, and high school. These logs were reviewed to confirm that all volunteers who visited a school were properly vetted by the District. Visitor logs for the K–8 and middle school included all visitors to the school and did not indicate if they were volunteers, visitors, or District employees. We were therefore unable to confirm from these logs whether the individuals who signed in should have been vetted by the District before being on campus.

The sampled high school’s visitor log included the type of individual (i.e., visitor, volunteer, District employee) along with the visitor’s badge number. Of the 34 individuals who identified themselves as a volunteer on the sampled October and February logs, 13 were not listed on the volunteer listing maintained centrally by the District, indicating that they were not formally approved volunteers. Seven of these 34 appeared on the volunteer list but had a “pending” volunteer status. This means that these people may not have passed a background check or completed the boundary training as required in accordance with RCW 28A.400.303 prior to volunteering at the school. Without this verification, there is an increased risk that volunteers who are not properly vetted or trained for student safety may work directly with students. Again, there are gaps in the information provided but this finding presents opportunities for improvement across the District.

The District should update its policies to require schools to confirm or verify the type of school visitor on visitor logs through the use of standardized visitor forms. This form should define “visitor” and the different volunteer types, and include a section for individuals to indicate which category they fall under. The District should also establish oversight responsibilities for volunteer presence in the front office of each school building and require verification of volunteer status by the front office prior to allowing volunteers to visit schools unaccompanied. The front office should be educated by central HR on the process and should be confident in enforcing the requirements.

C. OBJECTIVE 3: ONBOARDING PRACTICES

The third objective was to confirm that employee and contractor onboarding practices include training on allowable interactions with students, including disciplinary actions. We found the District is partially aligned with this objective in that employee and contractor onboarding practices include training on allowable interactions with students, including disciplinary actions; but not all employees or contractors have records to indicate completion of these trainings.



Employee Professional Boundaries Training

8.	Finding	In reviewing a sample of employee training materials, we found nine out of 52 employees tested did not have records indicating completion of required professional boundary training.
	Recommendation	Continue to implement and enforce formal consequences for noncompliance in completing the required professional boundaries training.
	Category	Compliance Alignment

According to District Policy 5253SP, all new staff are required to take training on appropriate staff/student boundaries within three months of employment or the beginning of their service. We found that nine out of the 52 employees tested did not have records to indicate they completed the required professional boundaries training. Without completing this training, staff may not have a clear understanding of appropriate student boundaries and related District policies, potentially contributing to avoidable student safety incidents.

HR staff reported training was centralized three years ago through the learning module in NeoEd. Last year, HR made sure all staff in NeoEd were assigned this training. This module has helped improve tracking and monitoring of training; however, staff indicated that enforcing this training requirement is difficult and there were previously no consequences for noncompliant staff who did not complete the training. HR issued letters of discipline in the 2022–2023 school year as a consequence for not completing the training. HR staff further indicated that they are planning to improve proactive communication on training deadlines and follow up more consistently with those who have not completed the training. With these improvements in the process, the District should continue to proactively communicate training requirements to employees and enforce formal consequences for noncompliance.

D. OBJECTIVE 4: REPORTING SAFETY INCIDENTS

The fourth objective was to determine if the District has implemented sufficient reporting mechanisms to enable student safety incidents perpetrated by an employee or contractor to be reported to the appropriate contacts and authorities, as needed. We found the District implemented reporting mechanisms to enable these safety incidents to be reported to the appropriate contacts and authorities as needed. Staff nevertheless indicated some opportunities to improve understanding of which group(s) should receive student safety incident reports.



Student Safety Incident Reporting

9.	Finding	The District has implemented reporting mechanisms to enable student safety incidents perpetrated by an employee or contractor to be reported to the appropriate contacts as needed, but some staff indicate that there may be ongoing opportunities to clarify the appropriate reporting party.
	Recommendation	Continue conducting annual trainings on proper student safety incident reporting procedures for building officials and other staff who play a key role in reporting.
	Category	Performance Improvement

According to the Employee Manual, District staff are responsible for reporting to a school leader any suspicion or allegation of sexual misconduct by a staff member toward a student. If allegations include criminal misconduct, this must be reported to law enforcement or Child Protective Services as well. While it is impossible to verify whether all such suspicions were reported, staff described generally consistent reporting processes in interviews. District staff typically indicated that they would report incidents to the principal, who would then elevate the incidents as appropriate to HR and law enforcement. Some staff indicated that occasionally, these incidents may not go through the standard reporting process due to a lack of staff understanding or the ambiguous nature of the incident in question. HR staff indicated that there are opportunities for improvement in clarifying what types of incidents should be reported to HR and what types of incidents may be handled at the building level.

Some of this confusion may be due to new principals who may not understand the reporting requirements relative to their new roles. HR reported that all principals are required to do a training each year, including a civil rights training that was completed in August 2023. HR has also connected with new principals to ensure they are aware of reporting requirements.

HR should continue conducting annual trainings on proper student safety incident reporting procedures for all building officials and other staff who play a key role in reporting. This training should include how, when, and where employees are to report incidents. The District makes available many resources, including the District reporting hotline phone number, Harassment, Intimidation, and Bullying (HIB) incident reporting form, and Sexual Assault & Harassment Incident Response Tool for School Administrators that was released by the Office of Student Civil Rights in September 2017. However, building leaders are often inundated with resources and may have difficulties finding the appropriate resources as needed. For a quick and simple reference, HR should consider creating a workflow of how to respond to different incidents and when and how to report certain instances to HR.

E. OBJECTIVE 5: INVESTIGATION TRACKING AND MONITORING

The fifth objective was to determine if the District has sufficient mechanisms to track the timing and results of employee and contractor student safety investigations. We found the District is partially aligned with compliance requirements. The District has mechanisms to track the timing and results of



investigations, but some investigations are not completed within regulatory timeframes and there are opportunities to improve the tracking and timeliness of investigations.

Investigation Deadlines

10.	Finding	Discrimination-related investigations are often not completed within the 30-day timeframe articulated in the RCW due to high workloads in LER.
	Recommendation	Develop a process improvement initiative for discrimination complaints, identifying lessons learned from investigations and process improvements that would improve investigation time.
	Category	Compliance Alignment

According to RCW 392-190-065 and the Office of Superintendent of Public Instruction (OSPI) policy for discrimination complaints, a school district must conduct an investigation and respond to discrimination complainants within 30 calendar days of the complaint being filed, unless another time period is agreed upon. If the investigation involves exceptional circumstances that prolong the investigation, the District must notify the complainant in writing as to why an extension is needed. This requirement applies only to discrimination incidents. No other types of investigations have regulatory reporting timelines.

On average, discrimination-related investigations over the 2021–2022 and 2022–2023 school years took 126 calendar days to complete, with these cases taking anywhere from 14 days to over 400 days. This analysis is based on when the case was created and closed in iSight, the case management software used to track investigations. This data relies on investigators entering accurate investigation data into the system.

In a prior report on LER Organization Assessment, Moss Adams indicated that LER had made significant strides to address delayed or backlogged cases in a timely manner but due to Division bandwidth issues, cases were often delayed. In the current assessment, HR staff indicated that investigation timing at the District has continued to improve over time, but that bandwidth continues to be a challenge. LER added two more investigators; however, investigators reported that delays in completing an investigation depend on various factors, particularly due to the responsiveness of those interviewed in the investigation process. Delays can result from school holidays and coordinating schedules.

To improve investigation timeliness, particularly for discrimination investigations, SPS should develop a process improvement initiative for discrimination complaints, identifying lessons learned from investigations and improvements that would enhance investigation timeliness. This should include reporting on why cases are delayed and the steps taken to move cases along. Periodically, HR should review this data to determine whether there are common themes in why cases are delayed and how HR can prevent those delays in the future.



Investigation Tracking

11.	Finding	Investigation data is not consistently tracked in iSight, the District case management system, preventing the District from easily analyzing and tracking all cases.
	Recommendation	Develop processes to collect case-level data on investigations, including those conducted by building-level investigators, to ensure accurate investigation data is documented.
	Category	Performance Improvement

Cases investigated at the building level are not centrally tracked unless LER is consulted on a case. District staff indicated that principals, or directors of schools if a principal is involved in the incident, are often in charge of investigative cases but may lack the capacity or expertise to conduct the associated work. They also must balance their own independence in the investigation because principals and directors must investigate, discipline, and evaluate staff that they know personally and work with directly. In other school districts it is common practice for principals to conduct lower-level investigations like employee disputes, with incidents alleging misconduct or threats to student safety escalated to HR.

Building leadership priorities, personal relationships, and inexperience with employee investigations have the potential to contribute to inconsistencies and inefficiencies with these investigations, but sufficient data to analyze this is not available. Cases investigated by directors of schools or building officials are not tracked in a consolidated system. Without centrally tracked data it is difficult to know how long investigations take or if investigations are conducted appropriately at the building level with less LER involvement.

The District should develop processes to collect investigation data from principals and directors of schools to capture more information on investigations. Incident reporting to HR should minimally include the following:

- Who was involved in the incident, including any witnesses
- What happened, including if allegations were substantiated
- Where and when (date and time) the incident took place
- Who conducted the investigation and contact information
- How the incident was resolved, or if there are any outstanding issues or decisions that need to be made
- If the incident was resolved, the date the investigation was closed

The District should consider creating a standard template or fillable form available on the District website for easy access and collection of data in a consistent manner. This form could be similar to the Harassment, Intimidation, and Bullying (HIB) incident reporting form. All evidence gathered from those conducting the investigation should be entered into iSight. Principals and directors of schools should clearly show how the evidence gathered leads to the conclusion and decisions made as



standard practice in investigations. The information collected in iSight should then be analyzed to see how processes may be more standardized to improve efficiency and ensure investigations are consistent throughout the District.

In addition to inconsistencies in investigation tracking from the building level, interviewed staff indicated that case reports are sometimes added to iSight by investigators at the end of an investigation rather than throughout the process. This can result in timing data inaccuracies, depending on how the investigator tracked this information within the system and whether they accurately entered the case dates in the software. Of the 96 discrimination-related cases we reviewed, 39 did not have a documented closure date, or were created and closed on the same day, raising concerns over the validity of the iSight data (these investigations were excluded from the timelines discussed above, given these data reliability concerns). While LER reported that it is possible to close a case in one day, particularly if the case was investigated at the school level, this is not likely. Despite the inconsistency in timing data for some cases, HR reported that all investigations investigated by HR are uploaded into iSight. The LER team has conducted analysis on all cases examined by LER in the prior school year, reporting on the most common types of cases, the location of cases, and case investigation determinations.

The District should establish formal data entry guidelines for investigation tracking in iSight, to include when investigations should be entered into the system. Ideally, basic investigation data (i.e., when the investigation started, who is involved, and the basis of the investigation) should be entered into the system when the cases are assigned to investigators, to establish data on all cases at the District. When cases are closed, the remaining facts and close date should be entered. This process will provide more complete information on all cases at the District. This new process should also be a reminder to investigators to enter all information into the system to prevent gaps in data in the future. This data can help the District assess the timeliness of investigations and analyze all types of cases at the District, beyond those handled by HR, and ensure the investigative process is consistent and equitable throughout the investigators and at the building level.

Contractor and Community Partner Investigations

12.	Finding	The District does not have a documented process for investigating contractors and community partners for safety incidents, as well as for tracking these incidents, increasing the risk that such incidents could be handled inconsistently.
	Recommendation	Incorporate how contractor and community partner-related safety incidents should be addressed and tracked in formal policy, and ensure related language is incorporated into future agreements.
	Category	Performance Improvement

Staff indicated that there is not a policy or procedure that describes how to address incidents perpetrated by contractors and community partners. In addition, the contractor and community partner agreements do not contain language on investigation proceedings to be undertaken if such



incidents do occur. Some staff reported that when past incidents arose, they worked with the contractors and building principals to investigate and discuss any consequences on an ad hoc basis.

The District does not have the same authority over individuals working for contractors or community partners as they do with District staff, but the District can terminate an agreement if necessary. While the District manages these issues as they become aware of them and department managers conduct associated investigations, department managers responsible for this may not be trained on how to complete and document these incidents. This is particularly important for contractors and community partners in roles that have extensive contact with students, such as special education support staff. Such staff who perpetrate student safety incidents could potentially change employers and work with the District under a new employer. Without a designated process, however, these incidents may not be managed or tracked in a consistent manner, potentially allowing such individuals to work with the District even after they are involved in incidents under a previous employer.

The District should incorporate a process for addressing contractor and community partner safety incidents in a formal policy and in any agreements with contractors and community partners. This process should include incident reporting requirements and consequences for noncompliance, which may result in termination of the contract or additional requirements in future agreements. The District should require all contractors and their employees to report inappropriate incidents to the District. Similar to incident reporting recommendations for employees, this reporting to HR should minimally include the following:

- Who was involved in the incident including any witnesses
- What occurred
- Where and when (date and time) the incident took place
- Who conducted the investigation and their contract information
- How the incident was resolved, or if there are any outstanding issues or decisions that need to be made

This should be a separate form or survey than the employee incident report form, as the level of involvement in these incidents may be more limited. Community partners may not be as responsive to participating in an investigation and HR does not have as much authority to require participation. When incident reports are submitted, HR should review this information and determine if the relationship with the partner is at risk and if any legal repercussions may arise.

F. OBJECTIVE 6: DISCIPLINARY MEASURES

The last objective was to verify that HR practices include efficient disciplinary measures for employees or contractors who violate applicable District policies, up to and including termination or criminal prosecution. We found that HR practices do include disciplinary measure guidance for employees or contractors who violate these applicable District policies, and this guidance is generally applied consistently. We have identified one area of improvement in effectively making disciplinary measure determinations.



Disciplinary Action Responsibility

13.	Finding	The District generally approaches discipline consistently, but responsibility for disciplinary actions between HR and building officials continued to be perceived as confusing for some building leaders.
	Recommendation	The District should continue to reiterate roles and responsibilities for disciplinary actions between building officials and HR.
	Category	Performance Improvement

To assess whether the District is consistent in determining disciplinary actions, we conducted analysis on student safety incident data from the last school year and found no clear evidence of inconsistent practices. A variety of factors must be considered when determining appropriate disciplinary actions, and the consistency of disciplinary measures can be difficult to measure given the uniqueness of every incident. Given that investigations are driven by reports of incidents rather than by LER decision-making, differences in rates of investigation are not due to judgements made by the staff responsible for investigations.

The District Employee Handbook, “Guidance for Handling Employee Misconduct and Conducting Internal Investigations” adopted in August 2022, guides employees on determining appropriate actions after investigations are complete and includes an Employee Misconduct Matrix showing how different categories of employees should be addressed, depending on the type of employee conduct or policy violation. For all cases investigated by HR, investigators conduct an investigation and LER directors determine the appropriate disciplinary action based on the facts of the investigation and prior determinations. For cases investigated at buildings, principals and directors of schools are advised to use the Employee Handbook. Though the Handbook provides guidance on how to handle investigations, several directors of schools and principals indicated that there was sometimes confusion between HR and the building official over who has the final say and responsibility for determining disciplinary actions.

The District should reiterate roles and responsibilities for who should make disciplinary measure determinations. As a common practice, principals often make determinations for common low-risk investigations while HR should handle investigations and disciplinary measures for all student safety incidents. This information should be reiterated during annual student safety trainings.



APPENDIX A: MANAGEMENT RESPONSE

Upon receipt of the Internal Audit Report from Moss Adams, the various departments: Human Resources, Safety and Security, Partnerships (School & Community) Accounting and Procurement, School Operations and others will work collaboratively to develop a Corrective Action Plan in response to the Prevention and Response of Employee/Contractor Perpetrated Student Safety Incidents Performance Audit. The various departments will review the findings and recommendations, develop action steps and start implementation of action steps for the update at the March Audit Committee meeting.



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