

EMPLOYMENT: DISCLOSURES, CERTIFICATION REQUIREMENTS, ASSURANCES AND APPROVAL

The board has the legal responsibility of employing all staff. The responsibility of administering the recruitment process is assigned to the superintendent. Prior to final action by the board, a prospective staff member shall present necessary documents which establish eligibility to work ~~and attest to his/her eligibility as required by P.L. 99-603, Immigration Reform and Control Act of 1986.~~ As required by federal immigration law, ~~the superintendent shall~~ **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 be made on the I-9 form issued by the federal Immigration and Naturalization Service.

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.

The district ~~shall~~ **will** require that every prospective staff member sign a release form allowing the district to contact school employers regarding prior acts of sexual misconduct. **The applicant will authorize current and past school district employers including employers outside of Washington to disclose to the district sexual misconduct, if any, and make available to the district all documents in the employer's personnel, investigative or other files related to the sexual misconduct. The applicant is not prohibited from employment in Washington State if the laws or policies of another state prohibit disclosure of this information or if the out-of-state district denies the request.**

Disclosure Of Crime

Prior to employment of any ~~unsupervised~~ staff member ~~or volunteer~~, the district shall require the applicant to disclose whether he/she has been:

- A. Convicted of any crime against **children or other** persons;
- B. Found in any dependency action under **Chapter 13.34 RCW:030(2)(b)** to have sexually **assaulted** **abused** 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: **including** 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 specify all crimes committed against persons.~~

Background Check

Prospective ~~unsupervised~~ staff members ~~shall~~ **will** have their **criminal backgrounds** ~~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 **will** 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.

Record Check Data Base Access Designee

The superintendent is directed to establish procedures for determining which staff members are authorized to access the Superintendent of Public Instruction's record check data base. 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 will be~~ limited to those authorized to access the Superintendent of Public Instruction's record check data base.

Certification Requirements

The district ~~shall will~~ require that certificated staff hold **and maintain** a Washington ~~S~~state ~~C~~certificate, with proper endorsement (if required for that certificate and unless eligible for out-of-endorsement assignment), for the role and responsibilities for which they are employed. Failure to meet this requirement ~~shall will~~ be just 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. If a certificated staff member with a lapsed certificate is issued a transitional certificate pursuant to WAC 1801-79A.231 (7), he or she may be conditionally employed for up to two years while he or she meets the certificate reinstatement requirements.~~

Classified Staff

Classified staff who are engaged to serve less than twelve (12) months, ~~shall will~~ be advised of their employment status for the ensuing school year prior to the close of the school year. The superintendent ~~shall will~~ give "reasonable assurance" by written notice ~~that the~~ to those staff members who will be employed during the next school year.

Board Approval

The superintendent will recommend to the district's board of directors those applicants recommended for hire. ~~All staff members selected for employment shall be recommended by the superintendent.~~ Staff members must receive an affirmative vote from a majority of ~~all~~ **the** 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~~ **regular** staff member. The board will act on the superintendent's recommendation to fill the vacancy at its next regular meeting.

Cross References: ~~(ef. 1610, Conflicts of Interest [1st-Class][2nd-Class])~~
 ~~(ef. 5251, Conflicts of Interest)~~
 5252 Staff Part in Political Activities
 ~~(ef. (ef. 5006, Certification Revocation)~~
 ~~(ef. 5281, Disciplinary Action and Discharge)~~
 ~~(ef. 5520, Staff Development)~~
 ~~(ef. 5610, Substitute Employment)~~
 ~~(ef. 6530, Insurance)~~

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.400.303	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 — enforcement — 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>RCW28A.410.070</u>	<u>Registration of certificates</u>
RCW 9.96A.020	Employment, occupational licensing by public entity — Prior felony conviction no disqualification — Exceptions
RCW 43.43.830-40	Washington State Criminal Code Records
RCW 50.44.050	Benefits Payable, Terms and Conditions
RCW 50.44.053	Definition of “reasonable assurance”
P.L. 99-603,	Immigration Reform and Control Act of 1986 (IRCA)
<u>P.L. 104-193</u>	<u>Personal Responsibility and Work</u>
Chapter 162-12 WAC	<u>Opportunity Reconciliation Act of 1996</u>
WAC 180-16-220	Preemployment Inquiry Guide (Human Rights Commission)
Ch. 180-79A WAC	Supplemental Program Requirements Standards for Teacher, Administrator and Educational Staff Associate Certification
WAC 180-82-105	Assignment of classroom teachers within districts
WAC 180-82-110	Exceptions to classroom teacher assignment policy
<u>Ch. 181-79A WAC</u>	<u>Standards for Teacher, Administrator and</u> <u>Educational Staff Associate Certification</u>
Ch. 180-85 WAC,	Continuing Education
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 or school districts
WAC 392-300-060	Protection of fingerprint record information by education service district and school districts
WAC 446-20-280	Employment — Conviction Records

Management Resources:

Policy News, August 1998 District Must Report New Hires
Policy News, February 1999 Local Boards Decide Endorsement Waivers
Policy News, June 1999 School Safety Bills Impact Policy
Policy News, October 2001 Updates from the SBE
Policy News, April 2004 School Employee Sexual Misconduct
Policy News October 2005 Sex Offender Reporting Requirements
Policy News October 2005 Public Disclosure
Policy News October 2010 Issue

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