

## 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 or designee. Prior to final action by the board, a prospective staff member will present necessary documents which establish eligibility to work as required by federal immigration law. The superintendent or designee will certify that he/she has: "examined the documents which were presented to him/her by the new hire, that the documents appear to be genuine, that they appear to relate to the individual named, and that the individual is a U.S. citizen, a legal permanent resident, or a non-immigrant alien with authorization to work." This certification will be made on the I-9 form issued by the Federal Immigration and Naturalization Service.

The district will report all new hires to the state Department of Social and Health Services Division of Child Support as required by [P.L. 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#).

The district will require that every prospective staff member sign a release form allowing the district to contact school employers regarding prior acts of sexual misconduct. The applicant will authorize current and past school district employers including employers outside of Washington state 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, the district will require the applicant to disclose whether he/she has been:

- A. Convicted of any crime against persons;
- B. Found in any dependency action under [RCW 13.34](#) to have sexually assaulted or exploited any minor or to have physically abused any minor;
- C. Found by a court in a domestic relations proceeding under [Title 26 RCW](#) to have sexually abused or exploited any minor or to have physically abused any minor;
- D. Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor: or
- E. Convicted of a crime related to drugs: manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

For purposes of this policy, unsupervised means not in the presence of another employee and

working with children under sixteen years of age or developmentally disabled persons. The disclosure will be made in writing and signed by the applicant and sworn to under penalty of perjury. The disclosure sheet will specify all crimes committed against persons.

### **Background Check**

Prospective unsupervised staff members will have their records checked through the Washington State Patrol criminal identification system and through the Federal Bureau of Investigation. The record check will include a fingerprint check using a complete Washington state criminal identification fingerprint card.

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, 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 designee is directed to consult with legal counsel.

### **Record Check Database Access Designee**

The superintendent or designee is directed to establish procedures for determining which staff members are authorized to access the Superintendent of Public Instruction's record check database. Fingerprint record information is highly confidential and will not be re-disseminated to any organization or individual by district staff. Records of arrest and prosecution (RAP sheets) will be stored in a secure location separate from personnel and applicant files and access to this information is limited to those authorized to access the SPI record check database.

### **Certification Requirements**

The district will require that certificated staff hold a Washington state certificate, with proper endorsement (if required for that certificate and unless eligible for out-of-endorsement assignment), for the role and responsibilities for which they are employed. Failure to meet this requirement will be just cause for termination of employment. State law requires that the initial application for certification will require a background check of the applicant through the Washington State Patrol criminal identification system and Federal Bureau of Investigation. No salary warrants may be issued to the staff member until the district has registered a valid certificate for the role to which he/she has been assigned. Any certificated staff must follow the requirements set forth in the State of Washington.

### **Classified Staff**

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

### **Board Approval**

All staff members selected for employment will be recommended by the superintendent or designee. Staff members must receive an affirmative vote from a majority of all members of the board. In the event an authorized position must be filled before the board can take action, the superintendent or designee has the authority to fill the position with a temporary employee who will receive the same salary and benefits as a permanent staff member. The board will act on the superintendent's or designee's recommendation to fill the vacancy at its next regular meeting.

## **Cross References**

6530 - Insurance  
5610 - Substitute Employment  
5520 - Staff Development  
5281 - Disciplinary Action and Discharge  
5252 - Staff Participation in Political Activities  
5006 - Certification Revocation  
1610 - Conflicts of Interest 1st Class District

## **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 43.43.830 Background checks — Access to children or vulnerable persons — Definitions  
RCW 28A.400.300 Hiring and discharging of employees — Written leave policies — Seniority and leave benefits of employees transferring between school districts and other educational employers  
RCW 28A.400.303 Record checks for employees  
RCW 28A.405.060 Course of study and regulations — Enforcement — Withholding salary warrant for failure  
RCW 28A.405.210 Conditions and contracts of employment — Determination of probable cause for nonrenewal of contracts — Nonrenewal due to enrollment decline or revenue loss — Notice — Opportunity for hearing  
RCW 28A.410.010 Certification — Duty of professional educator standards board — Rules — Record check — Lapsed certificates — Superintendent of public instruction as administrator  
RCW 43.43.830 Background checks — Access to children or vulnerable persons — Definitions  
RCW 50.44.050 Benefits payable, terms and conditions — "Academic year" defined  
RCW 50.44.053 "Reasonable assurance" defined — Presumption, employees of educational institutions  
P.L. 99-603 Immigration Reform and Control Act of 1986 (IRCA)  
P.L. 104-193 Personal Responsibility and Work Opportunity Reconciliation Act of 1996  
WAC 162-12 Preemployment Inquiry Guide (Human Rights Commission)  
WAC 180-16-220 Supplemental basic education program approval requirements  
WAC 181-79A Standards for teacher, administrator and educational staff associate certification  
WAC 181-82-105 Assignment of classroom teachers within districts  
WAC 181-82-110 Exceptions to classroom teacher assignment policy  
WAC 181-85 Professional certification — Continuing education requirement  
WAC 392-300-050 Access to record check data base  
WAC 392-300-055 Prohibition of redissemination of fingerprint record information by educational 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 district, the State School for the Deaf, the State School for the Blind, school districts, and Bureau of Indian Affairs funded schools  
WAC 446-20-280 Employment — Conviction records

## **Management Resources**

2010 - October Issue  
Policy News, October 2005 Public Disclosure  
Policy News, October 2005 Sex Offender Reporting Requirements  
Policy News, April 2004 School Employee Sexual Misconduct

Policy News, October 2001 Updates from the State Board of Education  
Policy News, June 1999 School Safety Bills Impact Policy  
Policy News, February 1999 Local Boards Decide Endorsement Waivers  
Policy News, August 1998 District Must Report New Hires

Adoption Date: 06.27.17  
Edmonds School District  
Classification: Essential  
Revised Dates