



Human Resources – Series 5000

Employment: Disclosures, Certification Requirements, Assurances and Approval – 5105

The Board has the legal responsibility to employ 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 employee shall present necessary documents which 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 designee shall certify that they have: “examined the documents which were presented 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.

Disclosure of Crime

Prior to employment of any employee, 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 13.34.030 (2)(b) 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.

Background Check

Appropriate background checks shall be conducted, administered and submitted to required agencies.

The candidate may or may not be recommended for employment based on the outcome of the background checks.

Record Check Data Base Access Designee

The Superintendent or designee is directed to establish procedures for determining which employees 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 employees. 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 database.

Certification Requirements

The district shall require that certificated employees 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 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 employee until the district has registered a valid certificate for the role to which they have been assigned.

Classified Employees

Classified employees 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. The Superintendent or designee shall give "reasonable assurance" by written notice that the employee will or will not be employed during the next school year.

Board Approval

The Superintendent or designee shall recommend all candidates selected for employment to the Board. Employees must receive an affirmative vote from a majority of a quorum 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 shall receive the same salary and benefits as a permanent employee. The Board will act on the Superintendent or designee's recommendation to fill the vacancy at its next regular meeting.

Cross References:

Board Policy 5510	Conflicts of Interest
Board Policy 5605	Certification Revocation
Board Policy 5615	Disciplinary Action and Discharge
Board Policy 5415	Substitute Employment

Legal References:

RCW 28A.350.050	Teacher must qualify before warrant drawn and issued or registered – all districts
RCW 28A.405.220	Conditions and contracts of employment – Nonrenewal of provisional employees – Notice – Procedure
RCW 28A.400.300	Hiring and discharging of employees –Seniority and leave benefits, transfers between school districts
RCW 28A.400.303	Record checks for employees
RCW 28A.405.060	Course or 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 – Notice – Opportunity for hearing
RCW 28A.410.010	Certification – Background check
RCW 9.96A.020	Employment, occupational licensing by public entity – Prior felony conviction no disqualification – Exceptions

RCW 50.44.050	Benefits Payable, Terms and Conditions – “Academic year” defined
RCW 50.44.053	“Reasonable assurance” defined
WAC 162-12	Preemployment Inquiry Guide (Human Rights Commission)
WAC 180-16-220	Supplemental program and basic education allocation entitlement requirements
WAC 180-79A	Standards for Teacher, Administrator, and Educational Staff Associate Certification
WAC 180-82-110	Exceptions to classroom teacher assignment policy
WAC 180-85	Profession Certifications - 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 or school districts
WAC 392-300-060	Protection of fingerprint record information by education service district and school districts

Adopted: 03-26-2002