

Employment of Staff

The Board of Directors has the legal responsibility of employing all staff. The responsibility of administering the recruitment process is assigned to the superintendent in conformance with direction established in policy by the Board of Directors. 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, the Immigration Reform and Control Act of 1986. As required by federal immigration law, the superintendent shall 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 (INS).

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

1. 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:

- 1.1 convicted of any crime against persons;
- 1.2 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;
- 1.3 found by a court in a domestic relations proceeding under RCW 26 to have sexually abused or exploited any minor or to have physically abused any minor;
- 1.4 found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor; and/or
- 1.5 convicted of a crime related to drugs, whether in manufacture, delivery or possession with intent to manufacture or deliver a controlled substance.

For purposes of this operational procedure, unsupervised means not in the presence of another employee or volunteer and working with children under sixteen (16) years of age or with developmentally disabled persons. The disclosure shall 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.

2. Background Check

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

Unsupervised volunteers and employees without unsupervised access to children shall also be advised that they will be subjected to a name and birth date background check with the WSP. 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 WSP. 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.

3. Record Check Data Base Access Designee

The superintendent establishes processes for determining which staff members are authorized to access the Office of the Superintendent of Public Instruction's (OSPI) record check data base. Fingerprint record information is highly confidential and shall not be re-disseminated to any organization or individual by district staff. Records of arrest and prosecution (RAP sheets) shall be stored in a secure location separate from personnel and applicant files, and access to this information is limited to those authorized to access the OSPI record check data base.

4. Certification Requirements

The district shall require that each certificated staff member hold a Washington State Certificate with proper endorsement (if required for that certificate and unless the staff member is eligible for out-of-endorsement assignment or the district has obtained the appropriate State Board of Education (SBE) waiver) for the role and responsibilities for which he/she is employed. Failure to meet this requirement shall be just cause for non-recommendation of employment or for termination of employment. State law requires that the initial application for certification shall require a background check of the applicant through the WSP criminal identification system and FBI. 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 one hundred fifty hours (150) hours of continuing education study every five (5) years. Failure to satisfy this requirement will cause the certificate to lapse.

5. Classified Staff

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

6. Board Approval

All staff members selected for employment shall be recommended by the superintendent. 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

has the authority to fill the position with a temporary employee who shall receive the same salary and benefits as a permanent staff member. The board will act on the superintendent's recommendation to fill the vacancy at its next regular meeting.

7. Citizenship Status

Prior to official employment, the district will document the citizenship immigration information regarding employment eligibility that is furnished by the prospective employee. The information that is recorded may come from single documents which establish both identity and authorization to work, including those listed below:

8. Acceptable Verification Document for New Hires

8.1 One Document Establishing Both Identity and Employment Authorization

- U.S. Passport
- Resident Alien Card
- Alien Registration Card (a.k.a. green card)

8.2 One Document Establishing Identity

- Driver's License
- State-issued ID card with photo

8.3 One Document Establishing Employment Authorization

- Social Security Card

The district must complete an Immigration Service Form (I-9) for each staff member employed after November 6, 1986, and keep that form on file for three (3) years.

9. Background Check

The superintendent may employ staff members on a temporary basis until the board takes final action on the recommendation of the superintendent.

Employees and/or volunteers are subject to a background check with fingerprints to be furnished by the Washington State Patrol (WSP) and Federal Bureau of Investigation (FBI). All such records shall be treated as confidential and only the Assistant Superintendent for Human Resources and specific designees identified in writing shall be authorized to access the Office of the Superintendent of Public Instruction's (OSPI) record check data base and district record check data, including records of arrest and prosecution (RAP sheets). RAP sheets shall be secured by the district in storage separate from personnel and applicant records. Further use of the record following initial employment or redissemination of the records to another organization or individual is expressly prohibited. Lawful use of such information does not constitute liability for defamation, invasion of privacy, or negligence, but noncompliance with this operational procedure, relevant rules, and statutes may allow for the recovery of civil damages under applicable federal and state statutes.

Cross References:

- (cf.: 1610 – Conflicts of Interest)
- (cf.: 5121 – Certification Revocation)
- (cf.: 5223 – Conflicts of Interest)
- (cf.: 5255 – Disciplinary Action and Discharge)
- (cf.: 5340 – Staff Development)
- (cf.: 5410 – Substitutes)
- (cf.: 6530 – Insurance)

Legal References:

- RCW 28A.320.155 Criminal history record information—school volunteers
- RCW 28A.350.050 Teacher must qualify before warrant drawn and issued or registered--All districts
- 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.405.06 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.410.01 Certification—Background check
- RCW 43.43.830 Background checks—Access to children or vulnerable persons
- RCW 43.43.832 Background checks—Disclosure of child abuse
- 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"

- WAC 162-12 Pre-employment Inquiry Guide (Human Rights Commission)
- WAC 180-16-220 Supplemental Program Requirements
- WAC 180-16-221 Assignment of Classroom Teachers Within Districts
- WAC 180-16-222 Exceptions to Classroom Teacher Assignment Policy
- WAC 180-16-223 Temporary Out-of-Endorsement Assignment Criteria
- WAC 180-16-231 Assignment of Principals
- WAC 180-16-236 Assignment of Educational Staff Associates
- WAC 180-79A Standards for Teacher, Administrator and Educational Staff Associate Certification

- WAC 180-85 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 446-20-285 Employment—Conviction Records

AGO No. 155 1961-62 Expenses of Applicants

P.L. 99-603 (IRCA) Immigration Reform and Control Act of 1986

8 USC 1324a and 1324b (IRCA) Immigration Reform and Control Act of 1986

P.L. 104-193 Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Management Resources:

PNA 9808.03 District must report new hires

Adoption Date:

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