

PERSONNEL

Employment of Staff: Disclosures, Certification Requirements, Assurances and Approval

Delegation of Duties

The Board has the legal responsibility of employing all staff. The responsibility of administering the recruitment process is assigned through the Superintendent or designee.

All staff members selected for employment will 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 will 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.

Disclosures for Staff

Prior to employment of any staff member, the District will require the applicant to disclose whether he/she has been:

1. Convicted of any crime against persons;
2. Found in any dependency action under RCW 13.34 to have sexually assaulted or exploited any minor or to have physically abused any minor;
3. Found by a court in a domestic relation proceeding under Title 26 RCW to have sexually abused or exploited any minor or to have physically abused any minor;
4. Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor; or
5. 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 for Staff

Prospective staff members, who will have regularly scheduled unsupervised access to children, 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.

Conditional Employment:

New hires may be employed on a conditional bases pending the outcome of the background check and may begin conditional employment once the completed fingerprint card has been sent to the Washington State Patrol. If the background check reveals evidence of convictions, the candidate may not be recommended for employment, or if conditionally employed, may be terminated. When such a background check is received, the Superintendent/designee is expected to consult with legal counsel.

Records Check Database Access Designee

The Superintendent/designee is directed to establish procedures for determining which staff members are authorized to access the Office of the Superintendent of Public Instruction (OSPI) 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 OSPI records check database.

Employment information disclosed by the District at the request of an employee or employment agency regarding an employee's ability to perform the job, diligence, skill, reliability or illegal or wrongful acts are presumed to be disclosed in good faith.

The District will keep a record of request for employee information for a period of two (2) years. A copy of the records will be maintained in the employee's file.

Cross References: Board Policy 1610 Conflicts of Interest 1st Class Districts
5006 Certification Revocation
5281 Disciplinary Action and Discharge
5610 Substitute Employment
6530 Insurance
5520 Staff Development
5252 Staff Participation in Political Activities

Legal References:

- RCW 28A.400.300 Hiring and discharging of employees—
Written leaves policies for —Seniority and
Leave benefits of employees transferring between
School districts and other educational employers
- RCW 9.96A.020 Employment, occupational licensing by public entity –
Prior felony conviction no disqualification - Exceptions
Criminal history record information – School Volunteers
- RCW 28A.400.301 Information on past sexual misconduct – Requirement
for applicants – Limitation on contracts and agreements
Employee right to review personnel file
- RCW 28A.400.303 Record checks for employees
- RCW 28A.405.060 Course of study and regulations – Enforcement –
Withholding salary warrant for failure
- RCW28A.405.210 Conditions and contracts of employment —
Determination of probable cause for nonrenewal of
contracts—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
- RCW43.43.830 Background checks– Access
to children or vulnerable persons – Definitions
- RCW 28A.660.020 Proposals – Funding
- RCW 28A.660.035 Partnership grant programs – Priority assistance in
Advancing cultural competency skills
- ESHB 1115 Paraeducators
- RCW50.44.050 Benefits Payable, Terms and Conditions – “Academic
Year” defined
- RCW50.44.053 Definition of "reasonable assurance" – 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 School District response and support for nonmatched

WAC 181-85	Endorsements to course assignments of teachers Professional certification – Continuing education Requirement
WAC 392-300-050	Access to record check data base
WAC 392-300-055	Prohibition of re-dissemination of fingerprint record information by educational service districts or school 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 districts and school districts, the State School for the Deaf, the State School for the Blind, School Districts, and Bureau of Indian Affairs funded schools
WAC 446-20-285	Employment—Conviction Records

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