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
Endorsements to course assignments of teachers

WAC 181-85 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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