

Employment and Volunteers: Disclosures, Certification Requirements, Assurances and Approval

Purpose

This policy directs the requirements for employing staff or engaging volunteers in the district in accordance with Washington State and federal laws.

Scope

This policy applies to the Board of Directors, Superintendent, administrators, prospective and current employees, parents and guardians, and the community.

Policy

1. The Valley School District Board of Directors has the legal responsibility of employing all district staff. The responsibility of administering the recruitment and hiring process is assigned to the Superintendent, who is directed to establish such employment procedures and practices needed to ensure eligibility of applicants, integrity of programs and safety of students.
2. **DOCUMENTATION REQUIREMENTS**
 - 2.1. All prospective district employees and volunteers will present all documents necessary to establish eligibility for employment or assisting school staff in accordance with district policy and state and Federal laws.
 - 2.1.1. An application for employment detailing contact information, education and employment history, and personal references will be submitted by each applicant to the district administrative office.
 - 2.1.2. A volunteer application will be submitted to the school office and a copy forwarded to the district administrative office.
 - 2.2. For prospective employees, the district will request sexual misconduct information from all current and former school employers, including out-of-state employers. Pursuant to state law, the district requires that every prospective staff member sign a release form allowing the district to contact school employers regarding prior acts of sexual misconduct, if any, and make available to the district all documents related to the 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. Refusal of the applicant to allow the release of information will end consideration of the applicant.
 - 2.3. Prior to employment of any staff member or volunteer engagement, the district will require the applicant to disclose certain information concerning employment and criminal history. The disclosure will be made in writing and signed by the applicant and sworn under penalty of perjury. The Disclosure Statement will ask the applicant 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.
- (e) Convicted of a crime related to drugs, such as the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

3. BACKGROUND CHECKS

3.1. Staff and Volunteers with Regularly Scheduled Unsupervised Access to Children

- 3.1.1. Prospective unsupervised staff members and volunteers, 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 Washington State criminal identification fingerprint card or electronic live scan.
- 3.1.2. For purposes of this policy, unsupervised means not in the presence of another employee or volunteer and working with children under sixteen (16) years of age or developmentally disabled persons.

3.2. All Other Staff and Volunteers

Prospective employees and volunteers without unsupervised access to children will undergo a name and birth date background check with the Washington State Patrol.

3.3. Record Check Database Access Designee(s)

The Superintendent or designee is directed to establish procedures for determining which staff members are authorized to access the Superintendent of Public Instruction's (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 record check database.

3.4. Conditional Employment

New hires will 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 may not be recommended for employment, or if conditionally employed, may be terminated.

4. CERTIFICATION REQUIREMENTS

- 4.1. 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), or such other documentation as may be required by the Professional Educator Standards Board with respect to alternative route programs, for the role and responsibilities for which they are employed. Failure to meet this requirement will be just and sufficient cause for termination of employment.
- 4.2. 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.

5. APPROVAL FOR EMPLOYMENT

5.1. Federal Immigration Law Compliance for Staff

Prior to official employment, the district will document the citizenship/immigration information regarding employment eligibility provided by the prospective employee in accordance with Federal law. The district will complete an Employment Eligibility Verification (I-9 form) issued by the Federal Immigration and Naturalization Service and maintain such documentation as required.

5.2. Board of Directors Approval

All staff members selected for employment will be recommended by the Superintendent and designee(s). 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.

5.3. Child Support Reporting for Staff

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.

5.4. 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. If the district chooses to reemploy the staff member the following year, the Superintendent or designee will give "reasonable assurance" by written notice that the staff member will be employed during the next school year.

Related Procedures

5630P1-Volunteers

Policy Cross References

5000-Recruitment, Selection and Employment of Staff

5001-Hiring of Retired School Employees

5281-Disciplinary Action and Discharge

5630-Volunteers

Policy 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 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.400.301 – 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 and certain volunteers and contractors—Cost

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 28A.660.020 – Proposals – Funding

RCW 28A.660.035 – Partnership grant programs — Priority assistance in advancing cultural competency skills

ESHB 1115 Paraeducators

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
Chapter 162-12 WAC – Preemployment Inquiry Guide (Human Rights Commission)
WAC 180-16-220 – Supplemental basic education program approval requirements
Chapter 181-79A WAC – 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 assignment of teachers
Chapter 181-85 WAC – 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

Policy & Legal News, July 2017
Policy News, October 2010
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

Policy History

Action:	Date:
Approved by the Board	November 15, 2017
Revised	
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