

EMPLOYMENT: DISCLOSURES, CERTIFICATION REQUIREMENTS, ASSURANCES AND APPROVAL

The board has the legal responsibility of employing all staff. The responsibility of administering the recruitment process is assigned to the superintendent. 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, 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.

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.

The district shall require that every prospective staff member sign a release form allowing the district to contact school employers regarding prior acts of sexual misconduct. The applicant shall authorize current and past school district employers including employers outside of Washington to disclose to the district sexual misconduct, if any, and make available to the district all documents in the employer's personnel, investigative or other files related to the sexual misconduct. The applicant is not prohibited from employment in Washington state if the laws or policies of another state prohibit disclosure or if the out-of-state district denies the request.

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:

- 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.

For purposes of this policy, unsupervised means not in the presence of another employee or volunteer and working with children under sixteen years of age or 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.

Background Check

Prospective unsupervised staff members shall have their records checked through the Washington State Patrol criminal identification system and through the Federal Bureau of Investigation. 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 Washington State Patrol.

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 Washington state patrol. If the background check reveals evidence of convictions as identified above, the candidate will not be

RCW 28A.350.050	Teacher must qualify before warrant drawn and issued or registered — All districts
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 non-renewal 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 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”
P.L. 99-603	Immigration Reform and Control Act of 1986 (IRCA)
Chapter 162-12 WAC	Preemployment Inquiry Guide (Human Rights Commission)
WAC 180-16-220	Supplemental Program Requirements
Ch. 181-79A WAC	Standards for Teacher, Administrator and Educational Staff Associate Certification
WAC 180-82-105	Assignment of classroom teachers within districts
WAC 180-82-110	Exceptions to classroom teacher assignment policy
Ch. 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 education service districts or school districts
WAC 392-300-060	Protection of fingerprint record information by education service district and school districts
WAC 446-20-280	Employment — Conviction Records

Management Resources:

<i>Policy News</i> , October 2005	Public Disclosure
<i>Policy News</i> , October 2005	Sex Offender Reporting Requirements
<i>Policy News</i> , April 2004	School Employee Sexual Misconduct
<i>Policy News</i> , October 2001	Updates from the State Board of Education
<i>Policy News</i> , August 1998	District Must Report New Hires
<i>Policy News</i> , February 1999	Local Boards Decide Endorsement Waivers
<i>Policy News</i> , June 1999	School Safety Bills Impact Policy

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Clarkston School District