

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

## **Federal Immigration Law Compliance for Staff**

The board has the legal responsibility of employing all staff. The responsibility of administering the recruitment process is assigned to the superintendent/designee. Prior to final action by the board, a prospective staff member will present necessary documents which establish eligibility to work as required by federal immigration law. The superintendent/designee will 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 will be made on the I-9 form issued by the Federal Immigration and Naturalization Service.

## **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](#).

## **Sexual Misconduct Release Form for Staff**

Pursuant to state law, the district will 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 will 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 of this information or if the out-of-state district denies the request.

## **Disclosures for Staff and Volunteers**

Prior to employment of any unsupervised staff member or volunteer, the district will 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](#) 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 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 and Volunteers**



5520 - Staff Development  
5281 - Disciplinary Action and Discharge  
5252 - Staff Participation in Political Activities  
5006 - Certification Revocation  
1610 - Conflicts of Interest 1st Class Districts

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

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

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

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 assignment 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 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: 2017 - July Issue  
2010 - October Issue  
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

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