

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 and selection process is assigned to the Superintendent. Prior to formal employment by the Board, a prospective staff member will present necessary documents which establish eligibility to work and attest to his/her eligibility and provide, upon request, satisfactory results from an ESD 123-sponsored testing for use of controlled substances. The Superintendent will certify that he/she has cause for an examination of the documents which were presented (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 nonimmigrant 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

ESD 123 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, ESD 123 will require that every prospective staff member sign a release form allowing contact with prior school employers regarding acts of sexual misconduct.

Disclosures for Staff and Volunteers

Prior to employment of any unsupervised staff member or the use of any volunteer/intern as defined below, ESD 123 will require the applicant to disclose whether he/she has been:

1. convicted of any crime against persons, including those delineated in RCW 28A.400.330;
2. 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;
3. found by a court in domestic relations 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 drug 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/intern and working with children under sixteen (16) 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

Staff and Volunteers with Regularly Scheduled Unsupervised Access to Children:

Prospective 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 complete Washington State criminal identification fingerprint card.

Definition: "Unsupervised Access to Children" means contact with children that provides personal interaction when not under the direct supervision of a childcare provider or staff with supervisor authority, whether in person or virtual.

All Other Staff and Volunteers:

Staff and volunteers/interns without unsupervised access to children will undergo a name and birth date background check with the Washington State Patrol. If a volunteer/intern has undergone a criminal record check in the last two (2) years for another entity, ESD 123 will request a copy from the volunteer/intern, or have the volunteer/intern sign a release permitting the entity for whom the check was conducted to provide a copy to ESD 123.

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 as identified above, 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 may elect to consult with legal counsel.

Pre-employment Drug Testing

If ESD 123 requires prospective staff members to undergo pre-employment drug testing, ESD 123 will comply with the requirements of [RCW 49.44.240](#).

Record 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's (OSPI) record check database. Fingerprint record information is highly confidential and will not be re-disseminated to any organization or individual by ESD 123 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.

Certification Requirements

ESD 123 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. State law requires that the initial application for certification require a background check of the applicant through the Washington State Patrol criminal identification system and the Federal Bureau of Investigation. No salary warrants may be issued to the staff member until ESD 123 has registered a valid certificate for the role to which he/she has been assigned.

All certificated staff members are required to maintain their certification in accordance with state and federal requirements.

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 ESD 123 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.

Board Approval

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 attendance. 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 meeting.

Condition of Employment

As a condition of employment with ESD 123, all employees, regardless of funding source, are to observe and comply with ESD 123 Board Policies, regulations, procedures, directives, office hours, scheduled working hours, and other requirements as may be required by and at the discretion of the ESD 123 Board and/or Superintendent.

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Reference:

[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 Program design—Funding—Reports.](#)
[RCW 28A.660.035 Partnership programs—Priority assistance in advancing cultural competency skills.](#)
[RCW 43.43.830 Background checks—Access to children or vulnerable persons—Definitions.](#)
[RCW 49.44.240 Discrimination based on cannabis use—Exceptions](#)

[RCW 50.44.050 Benefits payable, terms and conditions—"Academic year" defined.](#)
[RCW 50.44.053 Education employees—Determination of "contract" or "reasonable assurance."](#)
[P.L. 99-603 Immigration Reform and Control Act of 1986](#)
[P.L. 104-193 Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#)
[WAC 162-12 Preemployment inquiry guide](#)
[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 district](#)
[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 database.](#)
[WAC 392-300-055 Prohibition of redissemination of fingerprint record information by educational service districts, the Washington state center for childhood deafness and hearing loss, the state school for the blind, school districts, Bureau of Indian Affairs funded schools, state tribal education compact schools, approved private schools, and approved charter schools.](#)
[WAC 392-300-060 Protection of fingerprint record information by educational service districts, the Washington center for childhood deafness and hearing loss, state school for the blind, school districts, Bureau of Indian Affairs funded schools, state tribal education compact schools, approved private schools, and approved charter schools.](#)
[WAC 446-20-280 Employment—Conviction records.](#)

Cross References:

[Policy 1610 - Conflict of Interest](#)
Policy 5121
[Policy 5254 - Employee Participation in Political Activities](#)
[Policy 5281 - Disciplinary Action and Discharge](#)
[Policy 5520 - Staff Development](#)
Policy 6530