

## EMPLOYMENT OF STAFF

### **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 a NWESD 189-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**

The NWESD 189 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 NWESD 189 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, the NWESD 189 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 a 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.

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.

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, the NWESD 189 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 the NWESD 189.

## **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 disseminated to any organization or individual by NWESD 189 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**

The NWESD 189 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 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 NWESD 189 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 the NWESD 189 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 NWESD 189, all employees, regardless of funding source, are to observe and comply with NWESD 189 Board Policies, regulations, procedures, directives, office hours, and scheduled working hours and other requirements as may be required by and at the discretion of the NWESD 189 Board and/or Superintendent.

First Reading:	06/28/89 (as 4280)	Reference:	
Second Reading:	08/23/89 (as 4280)		RCW 9.96A.020
Revised:	10/24/90 (as 4280)		RCW 28A.320.155
Revised:	02/26/92 (as 4280)		RCW 28A.400.300
Revised:	08/22/92 (as 4280)		RCW 28A.400.301
Revised:	05/23/01 (recodified 5005)		RCW 28A.400.303
Revised	1/23/02		RCW 28A.405.060
Revised	1/22/03		RCW 28A.405.210
Revised:	06/23/04		RCW 28A.410.010
Revised:	03/23/05		RCW 28A.660.020
Revised:	04/27/11		RCW 28A. 660.035
Revised:	03/23/16		RCW 43.43.830-40
Revised:	06/28/17		RCW 50.44.050
Revised:	08/16/17		RCW 50.44.053

WAC 162-12

WAC 180-16-220

WAC 181-79A

WAC 181-85

WAC 392-300-050

WAC 392-300-055

WAC 392-300-060

WAC 446-20-280

P.L. 99-603

P.L. 104-193

Cross References:

Policies 1610, 5121, 5254, 5281,  
5520, 6530