

PERSONNEL

Disclosures and Background Checks for Employees

Prior to formal employment by the board, a prospective employee shall present necessary documents which establish eligibility to work and shall attest to his or her eligibility to work as required by federal law. The superintendent or designee shall complete the employer certification on the Form I-9 issued by the U.S. Citizenship and Immigration Services.

The board has determined that all persons employed by the district might have unsupervised access to children as defined by law during the course of their employment. Therefore, prior to employment of any applicant for any position, the district shall require the applicant to disclose whether he or 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.

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.

Prospective employees 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. The superintendent is directed to establish which staff are authorized to access the record check database maintained by the Office of the Superintendent of Public Instruction. Fingerprinting record information is highly confidential and shall not be re-disseminated to any organization or individual by district staff. Records of arrest and prosecution (RAP sheets) shall 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.

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, or if the applicant has failed to accurately disclose such information in the employment application, the candidate will not be recommended, or if conditionally employed, will be terminated.

The district shall require that every prospective employee sign a release form allowing the district to contact prior or current school employers regarding prior acts of sexual misconduct, as required by state law.

Cross References:	Board Policy 5255	Disciplinary Action and Discharge
Legal References:	RCW 28A.320.155	Criminal history record information — School volunteers
	28A.400.300	Hiring and discharging employees
	28A.400.301	Information on past sexual misconduct— Requirement for applicants
	28A.400.303	Record checks for employees
	28A.410.010	Certification — Background check
	43.43.830-40	Washington State Criminal Code Records
	9.96A.020	Employment, occupational licensing by public entity—prior felony conviction no disqualification— Exceptions
	P.L. 99-603	Immigration Reform and Control Act of 1986 (IRCA)
	WAC 162-12	Preemployment Inquiry Guide
	392-300-050	Access to record check data base
	392-300-055	Prohibition of redissemination of fingerprint record information by education service districts or school districts
	392-300-060	Protection of fingerprint record information by education service district and school districts
	446-20-280	Employment — Conviction Records

Adoption Date: November 22, 2005