

The Board of Directors of the Richland School District Board of Directors has the legal responsibility of employing all staff. The responsibility of administering the recruitment process is assigned to the superintendent. This recruitment is carried out by the Human Resource Services Department.

### **Disclosure of Crime**

Prior to employment of any staff member, contracted service provider, or volunteer, the District shall require the applicant to disclose whether he/she has ever been:

- Convicted of any crime;
- Convicted of any crime against persons;
- Convicted of a sex offense;
- Convicted of a property offense;
- Convicted of abusing or financially exploiting a vulnerable adult;
- 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;
- 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;
- Found in any disciplinary board final decision to have sexually abused or exploited any minor or to have physically abused any minor: or
- Convicted of a crime related to drugs: manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance.

Applicants for employment and contracted service providers will be asked if they are presently charged with, but not convicted of, a crime. This shall exclude civil infractions, such as minor traffic citations.

Applicants who are applying for a job requiring a teaching certificate will be asked if they are currently being investigated for any alleged misconduct or other alleged grounds for discipline by a licensing, certification or other regulatory body or by their current or former employer.

The term “convicted” means all adverse dispositions, including a finding of guilty, a plea of guilty or nolo contendere, an Alford plea, a stipulation to the facts, a deferred or suspended sentence, or a deferred prosecution. The term “convicted” does not include civil infractions, such as minor traffic citations.

For purposes of this policy, the term “unsupervised” means working with students of any age while not in the presence of an employee. The disclosure form shall be either (a) made in writing and signed by the applicant or (b) part of the electronic application process. An electronic disclosure submitted on-line will be considered to be signed by the candidate.

For the purposes of this policy, the term “contracted service provider” means a third party who regularly has one-on-one interaction with students in the Richland School District. This interaction may be supervised or unsupervised.

**Background Check**

Prospective staff members and contracted service providers 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.

Volunteers who have unsupervised access to students shall also be advised that they will be subjected to a name and birth date background check with the Washington State Patrol. Volunteer applicants who failed to disclose past convictions will not be allowed to have access to students. If a volunteer accurately discloses past conviction(s), the District will determine if the conviction renders the person ineligible to volunteer.

Applicants and contracted service providers 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 that contradict the applicant's disclosure form as identified above, the candidate may not be recommended for employment, or if temporarily employed, may be terminated.

**Record Check Data Base Access Designee**

The superintendent or their designee will determine which staff members are authorized to access the Superintendent of Public Instruction's record check data base. Fingerprint 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 staff members authorized to access the SPI record check data base.

**Certification Requirements**

The District shall 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), for the role and responsibilities for which they are employed. Failure to meet this requirement shall be just cause for termination of employment. State law requires that the initial application for certification shall 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 District has registered a valid certificate for the role to which he/she has been assigned.

In addition, any teacher who meets standard or continuing certification after August 30, 1987, must complete 150 hours of continuing education study every five years. Failure to satisfy this requirement will cause the certificate to lapse. If a certificated staff member with a lapsed certificate is issued a transitional certificate pursuant to WAC 180-79A.231 (7), he or she may be conditionally employed for up to two years while he or she meets the certificate reinstatement requirements.

**Classified Staff**

Classified staff members who are hired for contract terms less than twelve (12) months, shall be advised of their employment status for the ensuing school year prior to the close of the school year. The Human Resource Services Department shall 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 shall be recommended by the Human Resources Services Department. Staff members must receive an affirmative vote from a majority of all members of the board. In the event an authorized position must be filled before the board can take action, the Executive Director of Human Resource Services has the authority to fill the position with a temporary employee who shall receive the same salary and benefits as a permanent staff member. The Board will act on the recommendation to fill the vacancy at its next regular meeting.

**Legal References:** RCW 28A.320.155 Criminal history record information — School volunteers  
 RCW 28A.400.300 Hiring and discharging employees — Leaves for Employees — Seniority and leave benefits, retention upon transfers between schools  
 RCW 28A.400.303 Record checks for employees  
 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)  
 WAC 162-12 Pre-employment Inquiry Guide (Human Rights Commission)  
 WAC 180-16-220 Supplemental Program Requirements  
 WAC 180-79A 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  
 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

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