

**Regulation 4211.2: Legal Status Requirement**

**Status:** DRAFT

**Original Adopted Date:** Pending

Within three business days of hire, the Superintendent or designee shall physically examine the documentation presented by the employee establishing his/her identity and employment authorization as set forth in U.S. Citizenship and Immigration Services Form I-9. The employee may present either an original document which establishes both employment authorization and identity or two separate original documents which establish authorization and identity. Only unexpired documents are acceptable. (8 CFR 274a.2)

The Superintendent or designee shall: (8 CFR 274a.2)

1. Ensure that the documents presented appear to be genuine and relate to the individual
2. Complete the "Employer Review and Verification" section and sign the attestation with a handwritten signature or electronic signature on Form I-9

Persons employed for three business days or less must provide such documentation on their first day. (8 CFR 274a.2)

If unable to provide satisfactory documentation because the document was lost, stolen, or damaged, the employee shall furnish a receipt indicating that a replacement document has been requested. This receipt must be presented within three business days of the hire, and the replacement document must be provided within 90 days of the hire. (8 CFR 274a.2)

If an individual's employment authorization expires, the Superintendent or designee must reverify Form I-9, by noting the document's identification number and expiration date on the form, no later than the date the work authorization expires. The employee shall present a document that shows either continuing employment authorization or a new grant of work authorization. (8 CFR 274a.2)

The district shall retain an individual's Form I-9 for three years after the date of the hire or for one year after the date his/her employment is terminated, whichever is later. (8 CFR 274a.2)

The Superintendent or designee shall copy documents presented by an individual for verification and shall retain them with the individual's Form I-9. The documents shall be kept confidential and used only as needed to help justify the district's past decision to accept the documents as valid.

**Policy Reference Disclaimer:** These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

**Federal**

8 CFR 274a.1-274a.14

**Description**

[Control of Employment of Aliens](#)

8 USC 1324a

[Unlawful employment of aliens](#)

8 USC 1324b

[Unfair immigration related employment practices](#)

**Management Resources**

**Description**

USCIS Publication

Handbook for Employers: Instructions for Completing Form I-9, April 2009

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[U.S. Citizenship and Immigration Services](#)

**Cross References**

**Description**

0410

[Nondiscrimination In District Programs And Activities](#)

2120

[Superintendent Recruitment And Selection](#)

3580

[District Records](#)

3580

[District Records](#)

**Cross References**

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4032  
4111  
4112.6  
4121  
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4211  
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**Description**

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[Nondiscrimination In Employment](#)  
[Reasonable Accommodation](#)  
[Recruitment And Selection](#)  
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[Temporary/Substitute Personnel](#)  
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