

POLICY NO. 4005
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AFFIRMATIVE ACTION

POLICY:

Nondiscrimination

The Lake Stevens School District will provide equal educational opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion, and training. Such equal employment opportunity will be provided without regard to race, creed, color, national origin, sex, handicap/disability, sexual orientation including gender expression or identity, religion, age, veteran or military status, use of a trained dog to guide or service animal by a person with a disability. The District will provide equal access to school facilities to the Boy Scouts of America and all other designated youth groups listed in Title 36 of the United States Code as a patriotic society.† District programs will be free from sexual harassment. The District complies with all applicable state and federal laws and regulations to include, but not limited to, Title IX, Title VI of the Civil Rights Acts, Section 504 of the Rehabilitation Act, RCW 49.60 “The Law Against Discrimination,” and RCW 28A.640 “Sex Equity,” and covers, but is not limited to, all district programs, courses, activities, including extracurricular activities, services, access to facilities, etc.

The Board will designate a staff member to serve as the Compliance Officer for this policy.

Affirmative Action

The Lake Stevens School District, as a recipient of public funds, is committed to undertake affirmative action which will make effective equal employment opportunities for staff and applicants for employment. Such affirmative action shall include a review of programs, the setting of goals, and the implementation

of corrective employment procedures to increase the ratio of aged, persons with disabilities, racial, and ethnic minorities, women and Vietnam veterans who are underrepresented in the job classifications in relationship to the availability of such persons having requisite qualifications. Affirmative action plans may not include hiring or employment preferences based on gender or race, including color, ethnicity, or national origin. Such affirmative action will also include recruitment, selection, training, education, and other programs.

The Superintendent will develop an Affirmative Action Plan which specifies the personnel procedures to be followed by the staff of the district and will ensure that no such procedures discriminate against any individual. Reasonable steps will be taken to promote employment opportunities of those classes that are recognized as protected groups—aged, persons with disabilities, ethnic minorities and women and Vietnam veterans, although under state law, minorities and women may not be treated preferentially in public employment.

This policy, as well as the Affirmative Action Plan (if applicable), regulations and procedures developed according to it, will be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy will be reported annually to the Board.

The District's current Affirmative Action Plan will be filed with the Office of Superintendent of Public Instruction.

Employment of Persons with Disabilities

In order to fulfill its commitment of nondiscrimination to those with disabilities, the following conditions will prevail:

- A. No qualified person with disabilities will, solely by reason of a disability, be subjected to discrimination and the District will not limit, segregate, or classify any applicants for employment or any staff member in any way that adversely affects his/her opportunities or status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions and includes fringe benefits and other elements of compensation.
- B. The District will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or staff member unless it is clear that an accommodation would impose an undue hardship on the operation of the District's program. Such reasonable accommodations may include:

1. Making facilities used by staff readily accessible and usable by persons with disabilities; and
2. Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions.

In determining whether or not accommodation would impose an undue hardship on the district, factors to be considered include the nature and cost of the accommodation.

- C. The District will not make use of any employment test or criteria that screens out persons with disabilities unless:
1. The test or criteria is clearly and specifically job-related, and
 2. Alternative tests or criteria that do not screen out persons with disabilities are available.
- D. While the District may not make pre-employment inquiry as to whether an applicant has a disability or as to the nature and severity of any such disability, it may inquire into an applicant's ability to perform job-related functions.
- E. Any staff member who believes that there has been a violation of this policy or the law prohibiting discrimination because of a disability may initiate a grievance through the procedures for staff complaints.

Nondiscrimination for Military Service

The District will not discriminate against any person who is a member of, applies to be a member or performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service, on the basis of that participation in a uniformed service. This includes initial employment, retention in employment, promotion, or any benefit of employment. The District will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

Cross References:

Model Policy 2030 Service Animals in Schools
Model Policy 5270 Resolution of Staff Complaints
Model Policy 5407 Military Leave

Legal References:

RCW 28A.400.310 Law against discrimination applicable to districts' employment practices
RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies
RCW 28A.642 Discrimination prohibition
RCW 49.60 Discrimination — Human rights commission
RCW 49.60.030 Freedom from discrimination — Declaration of civil rights
RCW 49.60.180 Unfair practices of employers
RCW 49.60.400 Discrimination, preferential treatment prohibited
RCW 73.16 Employment and Reemployment

WAC 392-190 Equal Education Opportunity – Unlawful Discrimination Prohibited
WAC 392-190-0592 Public school employment — Affirmative action program

42 USC 2000e1 – 2000e10 Title VII of the Civil Rights Act of 1964
20 USC § 1681 - 1688 Title IX Educational Amendments of 1972
42 USC 12101 – 12213 Americans with Disabilities Act
8 USC 1324 (IRCA) Immigration Reform and Control Act of 1986
38 USC §§ 4301-4333 Uniformed Services Employment and Reemployment Rights Act
29 USC 794 Vocational Rehabilitation Act of 1973
34 CFR § 104 Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance

WSSDA Management Resources:

Policy News, June 2011, Laws Against Discrimination Address Equal Education Opportunities
Policy News, February 2011, Nondiscrimination
Policy News, August 2007, Washington's Law Against Discrimination
Policy News, June 2001, State Updates Military Leave Rights

AFFIRMATIVE ACTION PLAN

The needs of all persons in a pluralistic society must be understood in order to continue to create an employment atmosphere compatible with and receptive to all persons. The Lake Stevens School District is committed to undertake affirmative action which shall make effective equal employment opportunities for all staff and applicants. Such affirmative action shall include a review of programs, the setting of goals and the implementation of corrective employment procedures to increase the ratio of protected classes of the population, ethnic minorities and women when under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Such affirmative action shall also include recruitment, selection, training, education and other programs. In addition, Lake Stevens School District Policies 4005 –Affirmative Action, 4010 Personnel Recruitment, Selection and Assignment: Nondiscrimination, and 4007 – Equity in Education, all reaffirm the District’s interest in providing equal opportunity in employment for all classes of the population, staff, students, and applicants.

The following goals shall assure that a meaningful education experience may continue to exist for students and staff alike. The district will:

- A. Modify the composition of the future work force in order to work toward a full utilization of aged, disabled, ethnic minorities, women and Vietnam and more recent action veterans in the various job categories.
- B. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of under-utilized classes in the employment process, not to exclude others from it. The district shall continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the district’s personnel procedures.
- C. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The district shall continue to use aged, disabled, ethnic minorities, women and Vietnam and more recent action veterans in the recruitment and employment process. Advertisements for open positions for classified staff shall be sent to the Washington Employment Service and other organizations which are recruiting sources for groups that may be underutilized in the district’s work force. Recruitment from colleges and universities shall include institutions with high percentages of students of various ethnic minorities.
- D. Contract and purchase all goods and services from persons, agencies, vendors, contractors and organizations who comply with the appropriate laws and executive orders regarding discrimination.
- E. Take appropriate action to attract and retain members of protected classes, ethnic minorities, and women at all levels and in all segments of the district’s work force. Criteria for selecting staff shall be reviewed regularly to assure that such statements relate directly to the requirements for specific positions.
- F. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.

RESPONSIBILITY FOR IMPLEMENTATION AND MAINTENANCE OF THE PLAN

- A. Implementation of the affirmative action plan shall be the responsibility of the Superintendent. The Superintendent has delegated to the Human Resource Services Administrator, who is also the Affirmative Action Officer, the overall responsibility for implementation, coordination and monitoring of the Affirmation Action Plan and the duty to ensure that all administrators and supervisors are aware of their role in supporting the Plan.
- B. The Affirmative Action Officer is charged with the responsibility of making known the District's desire and commitment to employ members of protected as well as unprotected groups through regular and frequent contact with community groups and employment agencies and through identifying to the extent possible, persons with requisite skills and talents for projected openings throughout the District. The Affirmative Action Officer shall ensure that recruitment efforts are reaching protected groups as well as unprotected groups in all categories where underutilization exists; however, pursuant to state law, there shall be no preferential employment practices based on race or gender.
- C. The Affirmative Action Officer will advise the Superintendent and/or Board on equal opportunity matters as required. The officer will monitor and evaluate the Plan's accomplishments and will prepare memoranda addressing proposed action and other issues as required by this Plan.
- D. The Affirmative Action Officer will investigate and attempt to resolve any equal employment complaints, including those raised directly through internal channels or any that may originate through state or federal government channels.
- E. The Affirmative Action Officer can be reached at (425) 335-1500 or by writing to Ken Collins, Affirmative Action Officer, Lake Stevens School District, 12309 22nd St. NE, Lake Stevens, WA 98258.

DISSEMINATION

The district shall disseminate information concerning employment and developments under the affirmative action plan on a routine basis to assist in achieving the goals set forth in this plan.

Affirmative action information shall be disseminated by:

- A. Internal:
 - 1. Printing and distributing such information to staff, school libraries and offices;
 - 2. Publishing on the District website;
 - 3. Including the district's affirmative action statement on all postings and the employment page on the district website;
 - 4. Depicting district employees as people of different racial backgrounds on publications and advertisements and enunciating the district EEO policy whenever possible;
 - 5. Notifying recruiting sources of the district policy to actively recruit ethnic group applicants for all positions listed.

6. Including appropriate equal opportunity clauses in all external documents such as leases and contracts, as required, in order to reaffirm to our contractors, vendors and suppliers our Affirmative Action Program.

WORKFORCE ANALYSIS AND PROBLEM AREA IDENTIFICATION

Male/Female Balance and Staff Goals

The profile of the district's current utilization of women is set forth in Figures 1 and 2. By the commencement of the 2018-19 school year, the district shall strive to achieve a rate of employment in regard to sex at least equivalent to the goals set forth in the following pages. The district shall see that measurable efforts are made in the utilization of women for higher levels of responsibility in both certificated and classified positions. The district shall make good faith effort to recruit, interview, and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, school and level of operation. Demotions or termination shall not be used to meet stated goals or timelines. By the commencement of the 2018-19 school year, women shall be employed in the job categories where they are not currently represented or are under-represented.

Figure 1	Female Employee Balance (2012-13)			Figure 2	Classroom Teacher Balance 2012-13			
	Total Employees	Total Female	Percentage Female		Total Female	Total Male	Total All	Percent Male
Admin	27	11	40.74	P-K	20	1	21	5
Certs	424	313	73.82	1-9	203	70	273	25.64
Total Certs	451	324	71.84	10-12	40	36	76	47.37
				Total All	263	107	370	28.92
Paraeds	136	134	98.53	Sno. County				22.9
Maint.	64	19	29.69	Conclusion				+
Trans	78	70	89.74					
Food Service	44	44	100.00					
Admin Support	54	51	94.45					
Pro/Tech	16	14	87.50					
Total Support	392	332	84.69					
Total All	843	656	77.82					

Sno. Co. Ed. Admin.			61.8					
Conclusions			-					

Figure 2 – An analysis of gender % at the P-K, 1-9, and 10-12 grade levels compared to data garnered from the 2000 census and compiled by the Washington State Department of Employment Security, Labor Market and Economic Analysis Branch “Detailed Occupations of the Civilian Labor Force by Sex, Race & Origin” on those same grade levels shows a utilization of male certificated employees that is equal or exceeds that of the Snohomish County labor force.

Figure 1a – Gender Balance Lake Stevens School District – Snohomish County Labor Market

	Admin	Certs	Paraeds	Maintenance	Trans	Fd Service	Clerical
Lk Stevens	40.74	73.82	98.53	29.69	89.74	100.00	94.45
Sno. Co.	61.8	77.1	92.8	30.6	37.6	78.3	95.9
Conclusion	-		+		+	+	

Figure 2a – Lake Stevens School District Certificated Staff – Snohomish County

Male	P-K	1-9	10-12
Lake Stevens	5.0	25.64	47.37
Snohomish County	1.5	21.90	47.20
Conclusion	+	+	

Certificated Administrators

Goal: Increase the number of female administrators in order to approximate Snohomish County’s administrative women in the educational workplace percentage of 61.8.

Objectives: To place females in 50% of administrative positions as they become available by:

- Continuing an administrative internship program for female staff with the potential for success in administrative positions
- Identifying qualified potential candidates from outside the district to consider for future openings

Teachers

Goal: To provide each student with the opportunity to experience both male and female homeroom teachers during the preschool and Kindergarten years.

Objectives: Increase the number of male staff members in order to achieve a staff which falls within a range of 10% male in the P-K grades at each elementary school and further increase the number of males at each elementary by:

- Encouraging male applicants to apply for primary jobs
- Enlisting assistance from male employees, asking them to speak of their positive experiences with other males at job fairs
- Showing pictures of male elementary teachers instructing young students in district literature

Classified Staff

Goal: To provide opportunities that allow males to meet qualifications for nontraditional professions

Objective: Increase the number of males in nontraditional roles by:

- Encouraging male applicants to apply for nontraditional employment opportunities
- Providing training opportunities
- Developing job descriptions and postings which are free of bias in regard to race, creed, color, religion, national origin, gender, age, veteran status or disability

Ethnic Minority Balance and Staff Goals

The profiles of the district's current student ethnic minority population and the district's current ethnic minorities are set forth in figures 3 and 4. By the commencement of the 2018-19 school year, the district shall strive to achieve a rate of employment for ethnic minorities in certificated and classified areas as indicated in this plan. These goals are a utilization level for staff that will steadily attempt to equalize the percentage of ethnic minority student enrollment within the district. The district shall see that measurable efforts are made in the utilization of ethnic minorities for higher levels of responsibility in both certificated and classified positions. The district shall make good faith effort to recruit, interview and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, every school and at every level of operation.

Demotions or terminations shall not be used to meet stated goals and time lines. By the commencement of the 2018-19 school year, minorities shall be employed in job categories where they are currently not represented or are under-represented.

Staff Ethnicity Analysis (2012-13)

		Black		Asian		Hispanic		Native American		Pacific Islander			
		F	M	F	M	F	M	F	M	F	M		
ADMIN	27	0.00	0.00	1.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3.70	
CERTS	424.00	1.00	1.00	0.00	2.00	5.00	0.00	1.00	1.00	1.00	0.00	2.83	
TOTAL CERTS	451	1.00	1.00	1.00	2.00	5.00	0.00	1.00	1.00	1.00	0.00	2.88	
PARAEDS	136	2.00	0.00	2.00	0.00	3.00	0.00	0.00	0.00	1.00	0.00	5.88	
MAINT	64						2.00		1.00			4.69	
TRANS	78							1.00				1.28	
FOOD SER	44					1.00						2.27	
CLERICAL	54					1.00						1.85	
PROF/TECH	16											0.00	
TOTAL SUPPORT	392	2.00	0.00	2.00	0.00	5.00	2.00	1.00	1.00	1.00	0.00	3.57	
TOTAL ALL	843.00	3.00	1.00	3.00	2.00	10.00	2.00	2.00	2.00	2.00	0.00	3.2	
LK. STEVENS %		.48		.59		1.42		.48		.24			
SNO. CO %		2.8		9.7*		9.2		11.263		See asian			
CONCLUSION		-		-		-		-		-			

Student Ethnic Analysis (2012-13)

Student Enrollment	Black Female	Black Male	Asian Female	Asian Male	Hispanic Female	Hispanic Male	Native American Female	Native Amer. Male	Pacific Islander Female	Pacific Islander Male	White Female	White Male	Minority %
7653	92	82	169	150	483	490	23	.34	19	24	2942.	3145	18.57

Stu %	2.3	4.2	12.7	.74	.56	79.5	20.5
Staff %	.48	.59	1.42	.48	.24	96.8	2.37
CONC.	-	-	-	-	-	+	-

Certificated Administrators

Goal: To place ethnic minorities in administrative positions.

Objectives: Increase the number of minority administrators by:

- Placing ethnic minorities in administrative positions as they become available, provided they have the requisite skills, in order to progress toward the percentage of ethnic minorities in the current ethnic minority student enrollment.
- Identifying and training ethnic minority staff with the potential of becoming administrators
- Identifying qualified potential candidates from outside the district for future openings
- Advertising in publications which are directed at minority job pools

Teachers – grades P-12

Goal: To provide each student the opportunity to experience ethnic homeroom teachers.

Objectives: To achieve a staff of teachers in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment by:

- Advertising open positions nationally
- Ensuring that job postings and descriptions are free from bias on the basis of race, creed, color, sex, gender, national origin, marital status and/or disability unrelated to employment qualifications;
- Ensuring a bias-free selection process by forming diverse hiring committees and evaluating potential employees on job-related criteria
- Training hiring committees to ensure the process is bias-free
- Ensuring that district literature portrays a diverse group of people

Classified Staff

Objectives: To achieve a staff of classified support personnel in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment by:

- Advertising open positions as widely as possible
- Ensuring that job postings and descriptions are free from bias on the basis of race, creed, color, sex, gender, national origin, marital status and/or disability unrelated to employment qualifications;
- Ensuring a bias-free selection process by forming diverse hiring committees and evaluating potential employees on job-related criteria
- Training hiring committees to ensure the process is bias-free
- Ensuring that district literature portrays a diverse group of people

INTERNAL AUDIT AND MONITORING SYSTEM

The superintendent's office, in compliance with WAC 162-12, "Preemployment Inquiry Guide," shall record by age, race, sex, and other protected groups applicant flow, new hires, promotions, transfer

requests, transfers, administrative internships and terminations. An analysis shall be made of the internal and external work force availability of aged, disabled, ethnic minorities, and women.

The Affirmative Action Committee shall evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the Board annually. Such reports may include recommendations for changes in the affirmative action program goals. The overall responsibility for monitoring and auditing this policy is assigned to the Human Resources administrator. The duties include:

- A. Analysis of the categories of employment in relation to affirmative action goals;
- B. Analysis of work force data and applicant flow;
- C. Maintaining records relative to affirmative action information
- D. Preparation of annual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
- E. Identifying in a written report to the superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the affirmative action program; and
- F. Keeping the superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.

SUPPORTIVE SYSTEMS

The district, in conjunction with identified outside agencies will work to provide a system of professional support for employees wishing to advance personally and professionally in their careers.

GRIEVANCE PROCEDURES

To ensure fairness and consistency, the following review procedures are to be used in the district's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member's status with the district shall be adversely affected in any way because the staff member utilized these procedures. As used in this procedure:

"Grievance" shall mean a complaint which has been filed by a complainant (a student, employee, a parent or guardian) relating to alleged violations of any antidiscrimination law including Title IX regulations and Washington Administrative Code (WAC) 392-190, Section 504 of the Rehabilitation Act of 1973 or Title VII of the Civil Rights Act of 1964.

"Complaint" shall mean a charge alleging specific acts, conditions or circumstances, which are in violation of the antidiscrimination laws.

“Respondent” shall mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint and the following steps shall be taken:

A. Informal Review Procedures

When a staff member has an employment problem concerning equal employment opportunity, he/she shall discuss the problem with the immediate supervisor, the Human Resource Services administrator, or Superintendent within sixty (60) days of the circumstances which gave rise to the problem. The staff member may also ask the Affirmative Action/Title IX Officer to participate in the informal review procedure. It is intended that the informal discussion shall resolve the issue. If the staff member feels he/she cannot approach the supervisor because of the supervisor’s involvement in the alleged discrimination, the staff member may directly contact the Affirmative Action/Title IX Officer before pursuing formal procedures. If the discussion with the Officer or immediate supervisor does not resolve the issue, the staff member may proceed to the formal review procedures.

B. Level One – Formal Review

The complaint must be signed by the complaining party and set forth the specific acts, conditions, or circumstances alleged to be in violation. The Affirmative Action Officer shall investigate the allegations set forth within thirty (30) calendar days of the filing of the charge. The Officer shall provide the superintendent with a full written report of the complaint and the results of the investigation. The superintendent shall respond in writing to the complainant as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the written complaint. The superintendent shall state that the district either:

1. Denies the allegations contained in the written complaint received by the district; or
2. Shall implement reasonable measures to eliminate any such act, condition, or circumstance.

Such corrective measures deemed necessary shall be instituted as expeditiously as possible, but in no event later than thirty (30) calendar days following the superintendent’s mailing of a written response to the complaining party.

C. Level Two – Appeal to the Board of Directors

If a complainant remains aggrieved as a result of the action or inaction of the superintendent he/she may file a written notice of appeal with the Secretary of the Board by the tenth (10th) calendar day following:

1. The date upon which the complainant received the superintendent’s response, or
2. The expiration of the thirty (30) calendar day response period stated in Level one, whichever occurs latest.

The Board shall schedule a hearing to commence by the twentieth (20th) calendar day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The Board shall render a written decision by the tenth (10th) calendar day following the termination of the hearing and shall provide a copy to all parties involved.

D. Level Three – Appeal to the Superintendent of Public Instruction

In the event a complainant charging discrimination remains aggrieved with the decision of the Board of Directors in connection with any matter which, if established, would constitute a violation, the complainant may appeal the Board’s decision to the Superintendent of Public Instruction.

1. A notice of appeal must be received by the Superintendent of Public Instruction on or before the tenth (10th) day following the date upon which the complainant received written notice of the Board of Directors’ decision.
2. A notice of appeal must be in writing in the form required by the Superintendent of Public Instruction and must set forth:
 - a. a concise statement of the original complaint and the portions of the Board of Directors’ decision which is appealed
 - b. the suggested recommendations for resolution or remediation of the alleged complaint set forth in the original statement of complaint.

Preservation of Record

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district shall be retained in the office of the District Compliance Officer for a period of five (5) years.

REDUCTION IN FORCE

Reduction in force policies are contained within the collective bargaining agreements. Criteria for reduction is based on education, experience, and qualifications for the position.

AFFIRMATIVE ACTION OFFICER

Responsibilities of the Affirmative Action Officer may be found in the “Responsibility for Implementation and Maintenance of the Plan” section of this document.

Questions or concerns regarding this Affirmative Action Policy or Plan should be directed to the Lake Stevens School District Affirmative Action Officer, Ken Collins, Human Resource Services Administrator, Lake Stevens School District, 12309 22nd St. NE, Lake Stevens, WA 98258, 425-335-1505.