

BLAINE SCHOOL DISTRICT NO. 503

5010P-2

ADMINISTRATIVE PROCEDURE

AFFIRMATIVE ACTION PLAN

2011-2016

BLAINE SCHOOL DISTRICT NO. 503

5010

BOARD POLICY

EQUAL EMPLOYMENT OPPORTUNITY

Nondiscrimination

The district shall provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity shall be provided without discrimination with respect to race, creed, religion, color, national origin, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, pregnancy, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

The board shall designate a staff member to serve as affirmative action/Title IX Compliance officer.

Affirmative Action

The district, as a recipient of public funds, is committed to undertake affirmative action which shall 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, handicapped, ethnic minorities, women and Vietnam veterans who are under-represented 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 shall also include recruitment, selection, training, education and other programs.

The superintendent shall develop an affirmative action plan which specifies the personnel procedures to be followed by the staff of the district and shall ensure that no such procedures discriminate against any individual. Reasonable steps shall be taken to promote employment opportunities of those classes that are recognized as protected groups — aged, handicapped, ethnic minorities and women and Vietnam veterans, although under state law racial minorities and women may not be treated preferentially in public employment.

This policy, as well as the affirmative action plan, regulations and procedures developed according to it, shall be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy shall be reported annually to the board.

Employment of Persons With Disabilities

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

- A. No qualified person with disabilities shall, solely by reason of a disability, be subjected to discrimination, and the district shall 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 shall 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 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 shall 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 in 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: Board Policy 5270
Board Policy 5407

Resolution of Staff Complaints
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	Veterans and veterans' affairs — Employment and Reemployment
WAC 392-200	School personnel — Employment Discrimination
WAC 392-200-015	Public school employment — Affirmative action program
42 USC 2000c – 2000c-9	Title VII of the Civil Rights Act of 1964
42 USC 2000h – 2000h-6	Title IX Educational Amendments of 1972
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
29 USC 706	
8 USC 1324	(IRCA) Immigration Reform and Control Act of 1986
38 USC §§ 2021 – 2024	Uniformed Services Employment and Reemployment Rights Act
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
45 CFR 84 Sec 504	Vocational Rehabilitation Act of 1973

Executive Order 11246 Amended by Executive Order 11375

Management Resources: <i>Policy News</i> , February 2011	Nondiscrimination
<i>Policy News</i> , August 2007	Washington's Law Against Discrimination
<i>Policy News</i> , June 2001	State Updates Military Leave Rights

Adopted:
Revised:

AFFIRMATIVE ACTION PLAN 2011-2016

I. INTRODUCTION

Blaine School District does not discriminate on the basis of sex, race, creed, religion, color, pregnancy, marital status, national origin, age, honorable discharged veteran or military status, sexual orientation including gender expression or identity, the presence of sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

All personnel actions will conform to an Affirmative Action Plan, the basic purpose of which is to increase the diversity of the District's work force and the utilization of minorities and women at all levels in the work force where they are underutilized.

With the above in mind, the Blaine School District has adopted this Affirmative Action Plan as part of the District's administrative practices.

II. DISSEMINATION OF POLICIES AND PROCEDURES

A. Internal Communication

1. Copies of the District's policies and procedures regarding nondiscrimination and affirmative action, including a copy of this Affirmative Action Plan, are contained in the District Policy and Procedures Manual.
2. The Policies and Procedures Manual is accessible on the District's website.
3. The policies and procedures are discussed in new employee orientations.
4. Copies of the Affirmative Action Plan are distributed to the Board of Directors, all administrators, each building location, the shop steward and/or president of each bargaining unit, and any employee upon request.

B. External Communication

1. Recruitment letters to employment placement offices include a statement of reference to the District's affirmative action commitment.
2. Advertisements for positions in newspapers contain the statement, "Equal Opportunity Employer."
3. Forms used for application for employment contain an equal employment opportunity statement.

4. Affirmative Action compliance is required of contractors, vendors, and suppliers.

III. RESPONSIBILITY FOR IMPLEMENTATION AND EVALUATION

- A. The Superintendent is responsible to ensure that administrators, supervisors, and all employees are fully aware of their role in supporting the Affirmative Action Plan.
- B. The Human Resources Supervisor is designated as the Affirmative Action Officer and is responsible to the Superintendent for District compliance with the principles set forth in the Affirmative Action Plan.

The responsibilities of the Affirmative Action Officer include:

1. Implementation of control systems to measure program effectiveness.
2. Keeping management and employees informed of Affirmative Action on a regular basis.
3. Reporting annual progress to the Board of Directors.

The Affirmative Action Officer is:

Allysa Bronson
Human Resources Supervisor
Blaine School District #503
765 H Street
Blaine, WA 98230
Telephone: (360) 332-5881

IV. UTILIZATION ANALYSIS AND UNDERUTILIZATION IDENTIFICATION

A utilization analysis was conducted using the 2010-11 Blaine School District employment statistics as reported to the Office of Superintendent of Public Instruction (OSPI) in report S-275 (See Tables I and II, Appendix A, Pages A-1 and A-2). Once summarized, these statistics were compared to the relevant labor force. The relevant labor force data used was taken from the 2000 Census Equal Employment Opportunity Special File reflecting persons with requisite skills in Whatcom County, WA.

After the theoretical labor force availability was determined for females and minorities in each job group, the statistic was reduced by 20% to arrive at the statistically expected utilization (SEU). Consistent with commonly accepted practice, a figure of 80% of the theoretical availability was used in determining whether females or minorities are underutilized because pure chance may account for utilization that is 20% less than the theoretical availability. (See Tables I and II, Appendix A, Pages A-1 and A-2, for the SEU.)

From the District's utilization analysis and the relevant labor force statistics, Tables I and II, Utilization Analysis - Females and Minorities (See Appendix A, Pages A-1 and A-2), was developed and the following established:

- A. Females are underutilized in the category of district administrators.
- B. Minorities are underutilized in all categories.
- C. People with disabilities, disabled veterans, Vietnam-era veterans, and aged (40 years or older) – The Blaine School District has no known problems recruiting, hiring, and maintaining staff members in any of these protected classes. The District maintains its commitment to avoid discrimination in employment practices related to these groups. Staff responsible for hiring and promotion will be given information designed to sensitize them to the potential for discrimination in these areas. In addition, the District will include a statement in all its job vacancy announcements encouraging Vietnam-era veterans and people with disabilities to apply.

V. GOALS AND TIMETABLES

The Blaine School District will establish goals and timetables as an integral part of its Affirmative Action Plan. Goals will take into consideration the following factors:

- A. Turnover of certificated and classified staff for the previous three (3) to five (5) years.
- B. Growth/decline projected for the next five (5) years.
- C. Recruitment aimed at wide dissemination of job opportunities.
- D. In-service training to provide for on-the-job promotions.

A summary of the goals and timetables for the Blaine Schools is included in Appendix A as Table III, Page A-3.

VI. INTERNAL AUDIT AND REPORTING

Improvement of dissemination of recruiting information about career opportunities with Blaine School District is a goal of this plan. A computer-based applicant tracking system which records gender, veteran, and minority status, will be implemented at the start of the 2012-2013 fiscal year. Frequent monitoring of this new system will help to ensure that all classes of applicants are receiving equal treatment in the hiring process and that the District's recruiting efforts are reaching protected groups. Lists will be monitored annually and on a case-by-case basis to ensure appropriate resources for recruitment of protected groups are being reached.

VII. SUPPORTIVE SYSTEMS

The District considers all applicants and employees on the basis of job-related qualifications. A continuing review of hiring criteria and job qualifications is made to ensure the relevancy of the criteria to the task to be performed and the needs of the position.

All employees are evaluated annually using criteria appropriate to each position. Career counseling is available upon request through administrators at both the building and district office levels.

The District encourages staff development and the use of opportunities made available through the District Curriculum Office, Professional Development Department, local Educational Service District, Bellingham Technical College, Whatcom Community College, and Western Washington University. Applicable staff development opportunities are advertised via the internet and intranet, building administrators, and employee associations.

The general procedure for advertising positions is available in the Human Resources Department. The District has distribution lists on file containing names and addresses of those agencies where recruitment bulletins are mailed or posted electronically. Job announcements are distributed to each building in the District and to each outside source on the distribution lists. Jobs are also posted in the District Office, may be advertised in newspapers, and through the Employment component of the District's website.

A formal grievance procedure for use by all employees in regard to allegations of discrimination has been adopted by the District. A copy of the grievance procedure is included in Appendix B.

VIII. REDUCTION-IN-FORCE (RIF)

Reductions in staff will be made in accordance with applicable law and with Collective Bargaining Agreements currently in force. If a reduction-in-force is necessary, consistent with its legal and contractual obligations, the District will attempt to make reductions in force bearing in mind its Affirmative Action commitment.

APPENDIX A

TABLE I	Utilization Analysis – Females Statistically Expected Utilization -- Females
TABLE II	Utilization Analysis -- Minorities Statistically Expected Utilization -- Minorities
TABLE III	Summary of Goals
TABLE IV	Jobs by Job Categories

**Appendix A — Table I
Utilization Analysis — Females**

JOB GROUP	TOTAL EE's 2011	TOTAL FEMALE EE's 2011	PERCENT TOTAL FEMALE	* PERCENT FEMALE EXPECTED	AVAILABILITY ANNUAL PLACEMENT RATE	PERCENT UNDER-UTILIZED	TOTAL NUMERICAL GOAL
Certificated Administrators	10	4	40.00%	48.88%	61.10%	8.88%	1
Teachers/Inst Support	131	76	58.02%	54.92%	68.65%	-3.10%	N/A
Classified Admin./Mgrs. /Supervisors	6	3	50.00%	41.04%	51.30%	-8.96%	N/A
Para-Professionals	52	48	92.31%	51.58%	64.48%	-40.73%	N/A
Sec/Offc/Admin Support	19	17	89.47%	72.94%	91.18%	-16.53%	N/A
Custodial/Maint	17	3	17.65%	15.07%	18.84%	-2.58%	N/A
Food Services	13	13	100.00%	42.68%	53.35%	-57.32%	N/A
Transportation	17	13	76.47%	39.52%	49.40%	-36.95%	N/A
Total	265	177	66.79%				

Whatcom County statistics used

Calculated using the 4/5 or 80% rule

Source: 2000 Census of the Population, “2000 EEO Data Tool” for Whatcom County

**Appendix A — Table II
Utilization Analysis — Minorities**

JOB GROUP	TOTAL EE's 2011	TOTAL MINORITY EE's 2011	PERCENT TOTAL MINORITY	* PERCENT MINORITY EXPECTED	AVAILABILITY ANNUAL PLACEMENT RATE	PERCENT UNDER- UTILIZED	TOTAL NUMERICAL GOAL
Certificated Administrators	10	0	0.00%	7.04%	8.80%	7.04%	1
Teachers/Inst Support	131	4	3.05%	5.20%	6.50%	2.15%	3
Classified Admin./Mgrs. /Supervisors	6	0	0.00%	11.18%	13.97%	11.18%	1
Para-Professionals	52	3	5.77%	9.46%	11.83%	3.69%	2
Sec/Offc/Admin Support	19	1	5.26%	9.02%	11.28%	3.76%	1
Custodial/Maint	17	0	0.00%	7.80%	9.75%	7.80%	2
Food Services	13	1	7.69%	18.04%	22.55%	10.35%	2
Transportation	17	1	5.88%	8.50%	10.63%	2.62%	1
Total	265	10	3.77%				

Whatcom County statistics used

Calculated using the 4/5 or 80% rule

Source: 2000 Census of the Population, “2000 EEO Data Tool” for Whatcom County

Appendix A — Table III

BLAINE SCHOOL DISTRICT NO. 503
Blaine, Washington

SUMMARY OF AFFIRMATIVE ACTION GOALS 2011-2016

As displayed in the chart, Table I, Utilization Analysis – Females, the goal for the Five-year Affirmative Action Plan is as follows:

FEMALES		
Job Group	Availability/Annual Placement Rate	5-Year Total Numbered Goal
Certificated Administrators	61.10%	1

As displayed in the chart, Table II, Utilization Analysis – Minorities, the goals for the Five-year Affirmative Action Plan are as follows:

The numerical goal is the total minority and female staff that we will work to hire by the year 2016. The Availability/Annual Placement rate is the percent of annual hiring that we aim to achieve for each job group in order to be able to reach the projected goals.

MINORITIES		
Job Group	Availability/Annual Placement Rate	5-Year Total Numbered Goal
Certificated Administrators	8.8%	1
Teachers/Instructional Support	6.5%	3
Classified Admin./Managers/ Supervisors	13.97%	1
Para - Professionals	11.83%	2

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Secretary/Instructional	11.28%	1
Custodial/Maintenance	9.75%	2
Food Services	22.55%	2
Transportation	10.63%	1

Appendix A — Table IV

BLAINE SCHOOL DISTRICT NO. 503
Blaine, Washington

AFFIRMATIVE ACTION JOB CLASSIFICATIONS

I. CERTIFICATED PERSONNEL

A. Certificated Administrators

1. District Administrators
2. Building Administrators

B. Teachers and Instructional Support Personnel

1. Teacher, Elementary
2. Teacher, Secondary
3. Teacher, Special Education
4. Instructional Support

II. CLASSIFIED PERSONNEL I. CERTIFICATED PERSONNEL

A. Classified Administrators/Managers/Supervisors

1. Classified Administrators
2. Managers/Supervisors -- Exempt

B. Instructional Support/Coordinators/Accountants/Technicians -- Exempt

1. Instructional Support
2. Coordinators/Accountants/Technicians

C. Secretary/Administrative Assistants, Office and Administrative Workers

D. Custodial/Maintenance

E. Food Service

F. Transportation

Appendix B
BLAINE SCHOOL DISTRICT NO. 503

5010P-1

ADMINISTRATIVE PROCEDURES

RESOLVING EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS/GRIEVANCES

To ensure fairness and consistency, the following review procedure is to be used with regard to problems covered by state and federal equal employment opportunity laws and/or the District's Affirmative Action Plan. No staff member's status with the District shall be adversely affected in any way because the staff member utilized these procedures.

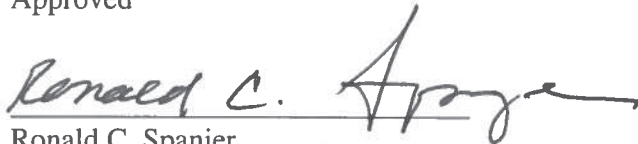
- A. The Affirmative Action Officer shall investigate all written noncompliance allegations of discrimination.
- B. The allegations of discrimination shall:
 - 1. Be in writing.
 - 2. Be signed by the complaining party.
 - 3. Set forth specific acts, conditions or circumstances alleged to be in violation of the District's obligations in regard to discrimination.
 - 4. Be filed with the Affirmative Action Officer as soon as possible, but no later than thirty (30) calendar days following the alleged discrimination.
- C. Upon completion of the investigation, the Affirmative Action Officer shall provide the Superintendent with a full written report of the complaint and the results of the investigation, unless the matter is resolved to the satisfaction of the complaining party prior to the submission of a full written report.
- D. The Superintendent shall respond in writing to the complaining party within thirty (30) calendar days following receipt of the report from the Affirmative Action Officer.
- E. The response by the Superintendent shall state either:
 - 1. The school district denies the allegations contained in the complaint received; or
 - 2. The nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition or circumstance within the District.
- F. Any corrective measures deemed necessary shall be instituted as expeditiously as possible following the Superintendent's mailing of a written response to the complaining party.
- G. In the event a complainant remains aggrieved as a result of the action or inaction of the Superintendent, said complainant may appeal to the School District Board of Directors by filing a written notice of appeal with the secretary of the Board of Directors on or before the tenth day following:
 - 1. The date upon which the complainant received the Superintendent's response; or

2. The expiration of the thirty (30) day response period in Section D above, if no response is issued by the Superintendent.
- H. Upon receipt of an appeal, the Board of Directors shall schedule a hearing to commence on or before the twentieth day following the filing of the written notice of appeal.
1. Both parties shall be allowed to present such witnesses and testimony as the Board of Directors deems relevant and material.
 2. The Board of Directors shall render a written decision on or before the tenth day following the termination of the hearing and shall provide a copy to all parties involved.

NOTE: The complaint procedure outlined above does not prohibit the processing of grievances by an employee bargaining representative and/or a member of a bargaining unit pursuant to grievance procedures established in local Collective Bargaining Agreements.

Adoption Date: June 27, 2011

Approved

A handwritten signature in black ink that reads "Ronald C. Spanjer". The signature is written in a cursive style with a long horizontal stroke at the end.

Ronald C. Spanjer
Superintendent , Blaine School District