



# **Bellingham Public Schools**

## **Affirmative Action Plan**

**2019-2024**

**Approved by the Board: February 27, 2019**

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## **I. Introduction and Purpose**

The Affirmative Action Plan for Bellingham Public Schools is used as an opportunity to measure progress and to reaffirm our long-standing policy and commitment to equal opportunity in employment. We believe education enhancement requires consistently fair and equitable education and employment practices without regard to race, color, creed, religion, sex, age, national origin, sexual orientation, gender expression, gender identity, honorably discharged veteran or military status, marital status, the presence of any sensory, physical or mental disability, or the use of a trained dog guide or service animal by a person with a disability. For this reason, the District seeks to employ and promote individuals that represent diverse talents, contributions, abilities and experiences representative of our society and that are essential to a quality education program.

The purpose of the District's Affirmative Action Plan is to identify, at all levels of the workforce, areas of underutilization of racial minorities and women. This Plan is designed to promote outreach, recruitment, training and education efforts intended to expand the pool of applicants in the relevant labor area having the requisite qualifications to perform the positions.

This Plan advances equal opportunity without preferential treatment on the basis of race, color, creed, religion, sex, age, national origin, sexual orientation, gender expression, gender identity, honorably discharged veteran or military status, marital status, the presence of any sensory, physical or mental disability, or the use of a trained dog guide or service animal by a person with a disability.

This Plan is also designed to ensure that the District's policies are properly implemented without unlawful discrimination. The District's Nondiscrimination and Affirmative Action Policy 5010 and Procedure 5010P are provided in Attachments A and B and are available online in the District's Policy and Procedures Manual.

The Affirmative Action Plan presented here is designed for the years 2019-2024. Although the plan covers a five-year period, we recognize that, to be effective, it will benefit from continuous evaluation and revision to correct disparities in the utilization of employees where it may exist in Bellingham Public Schools' workforce. Modifications due to decisions by state and federal courts will also be considered.

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

## II. Dissemination of Policies and Procedures

### 1. Internal Communication

- The District’s policies and procedures regarding Nondiscrimination and Affirmative Action are contained in the District Policy and Procedures Manual, available on the Bellingham Public Schools’ website.
- The policies and procedures are discussed in new employee inductions, orientations and trainings.
- This Affirmative Action Plan will be posted on the Bellingham Public School District’s website.
- 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.

### 2. External Communication

- Bellingham Public School’s website includes the District’s Affirmative Action Plan. The home page address is: [www.bellinghamschools.org](http://www.bellinghamschools.org).
- Recruitment letters to employment placement offices include a statement of reference to the District’s affirmative action commitment.
- Advertisements for positions in newspapers contain the statement, “Equal Opportunity Employer.”
- Forms used for application for employment contain an equal employment opportunity statement.
- Compliance with the District’s Equal Employment Opportunity Policy will be requested of contractors, vendors, and suppliers through a statement on purchase orders and contracts. Contractors may be required, under certain federally funded programs, to demonstrate specific affirmative action measures.

### **III. Responsibility for Implementation and Evaluation**

The Superintendent is responsible to ensure that administrators, supervisors, and all employees are fully aware of their role in supporting the Affirmative Action Plan.

The Director of Human Resources 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 will be to:

- Implement control systems that will assure equal application of District policies and monitor the effectiveness of this plan.
- Assure that the District is in compliance with current applicable anti-discrimination laws, rules and regulations through periodic internal audits.
- Establish training, recruiting, hiring and selection processes necessary to accomplish the goals of the Affirmative Action Plan.
- Keep management and employees informed of changes and updates regarding this plan.
- Train all new employees to the District on the prevention of sexual and other forms of protected class harassment. Continuing employees will also be given refresher courses at least every three years.
- Ensure a record system will be maintained by the Human Resources Department that collects data on the Bellingham Public School employees in the areas of race, sex, age, disability, and veteran status, for all job categories.
- Report annual progress of the Affirmative Action Plan to the Board of Directors.

The Affirmative Action Officer is:

Bob Kuehl, Assistant Superintendent of Human Resources  
Bellingham Public Schools  
1306 Dupont Street  
Bellingham, WA 98225  
(360) 647-6811

#### **IV. Utilization Analysis and Underutilization Identification**

##### Development of Analysis

The terms "utilization analysis" and "underutilization" appearing in this Affirmative Action Plan are used in the same sense in which these terms are used in regulations promulgated by the federal government relative to such plans. These terms have no independent legal or factual significance whatsoever. Many statistical comparisons involve the use of geographic areas and various sources of statistics. The use of such geographic areas and statistics is intended only for the purpose of implementing this Plan and has no significance outside the context of this Affirmative Action Plan; although, of course, these statistics and areas have been selected and used in good faith and in an effort to be as useful as possible in the development of the Plan.

In order to determine whether goals are needed for an affirmative action plan, it is first necessary to determine the percentage of females and minorities available in the work force. This is done through an "availability analysis." The availability analysis methodology used herein is based on the one set forth in federal regulations for affirmative action. This method looks at a variety of factors that contribute to availability and uses a weighting system to give more credit to the factors that contribute to availability, based upon the District's hiring and recruiting patterns. The factors are:

- Labor force in the immediate area;
- Persons with requisite skills in the immediate area;
- Persons with requisite skills in the recruitment area;
- Promotable and transferable persons in the District's work force; and
- Degree of training the District can reasonably undertake.

A utilization analysis was conducted using the October 1, 2018 Bellingham Public School's employment statistics as reported to the Office of Superintendent of Public Instruction (OSPI) in report S-275. Once summarized, these statistics were compared to the relevant labor force. The data used to calculate each factor came from the 2010 Census data for Whatcom County and Washington State.

After the theoretical labor force availability was determined for women 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 women or minorities are "underutilized" because pure chance may account for utilization that is 20% less than the theoretical availability.

Because of the desire to have the availability analysis be as accurate as possible, the District's hiring and recruitment patterns and data were reviewed so that the weight given each factor in the availability analysis would reflect actual patterns. The available resources for the collection and maintenance of data were considered.

The job groups identified for tracking are: Certificated Administrators; Teachers/Instructional Support Personnel; Classified Administrators/Managers/Supervisors; Instructional Support/Coordinators/Accountants/Technicians; Executive Secretary/Secretary/Paraeducators/Accounting/Educational Support; Custodial/Maintenance, Food Service, and Transportation.

Please see Attachment E to view progress made toward minority utilization goals set during the previous 2013-2018 Affirmative Action Plan.

## V. Analysis of Utilization Statistics

The analysis indicates that women are statistically underutilized in the category of certificated administrators. Minorities are underutilized in the categories of certificated administrators; teachers and instructional support personnel; classified administrators/managers/supervisors; and food service.

It is important to note that within some job classifications there is no underutilization of female or minority employees. Therefore, based on the Affirmative Action Plan data, no goals to increase female or minority utilization are required. However, the District is committed to hiring and retaining a diverse workforce that is reflective of the District's students and families. With that in mind, the District will expand recruiting efforts to increase the diversity of its workforce in all job categories, including those in which females and minorities are not statistically underutilized.

An analysis of the utilization statistics for each job category is as follows:

1. Certificated Administrators: Availability of women in this category is 62.9%, expected utilization is 50.3%, and current utilization is 47.37%. Minority availability in this category is 13.3%, expected utilization is 10.6%, and current utilization is 8.77%. The District is underutilized in both of these categories. By 2024, the District's goal is to increase its utilization of women by 5.26% (three employees); and its minority utilization by 14.04% (three employees) through the following recruitment, hiring and retention strategies:
  - The district will maintain and increase administrative recruiting efforts through use of a variety of regional and national strategies. The district will utilize on-line and traditional posting and advertising opportunities in colleges, universities, and professional organizations that have current administrator training programs and a record of educating and supporting minorities.
  - Foster bias-free screening and hiring processes to safeguard applicants receive equal treatment in the hiring process and that District recruiting efforts are reaching protected groups.
  - Provide training to existing staff on cultural sensitivity/awareness.
2. Teachers and Instructional Support Personnel: Availability of women in this category is 72.9%, expected utilization is 58.3% and current utilization is 73.42% so no goals are necessary in this area. Minority availability in this category is 9.1%, expected utilization is 7.3% and current utilization is 6.79%. Despite increasing its minority percentages by 2 percent since 2012, the District remains underutilized in this category. Within the next 3-5 years, the District's goal is to increase its minority utilization by 8.55% (15 employees) through the following recruitment, hiring and retention strategies:
  - The district will maintain and increase certificated recruiting efforts through use of a variety of regional and national strategies. The district will use online and traditional posting and advertising opportunities in colleges, universities, and

professional organizations that have current teacher training programs and a record of educating and supporting minorities in teacher training and instructional support programs.

- Student teaching agreements between the District and universities.
  - Maintain a strong Teacher-Mentor program.
  - Partner with Western Washington University and other universities with programs that allow minority paraeducators to continue working while earning their teaching certification.
  - Partner with Western Washington University and Whatcom Community College to sponsor high school programs for minority students who are considering the teaching profession.
  - Foster bias-free screening and hiring processes and make sure qualified non-white candidates receive consideration for positions.
  - Provide training to existing staff on cultural sensitivity/awareness.
3. Classified Administrators/Managers/Supervisors: Availability of women in this category is 54.4%, expected utilization is 43.5%, and current utilization is 53.85% so no goals are necessary in this area. Minority availability in this category is 15.5%, expected utilization is 12.4% and current utilization is 7.69%. Since 2012, the District met its 2013-2018 affirmative action goal to hire two (2) minority candidates in this category. However, the District will continue recruiting efforts to increase its minority utilization percent by 2 additional employees for a total minority utilization of 15.38% in this category within the next 3-5 years.
  4. Instructional Support, Coordinators, Accounting and Technology: Availability of women in this category is 35.7%, expected utilization is 28.6% and a current utilization is 61.54% so no goals are necessary in this area. Minority availability in this category is 5.4%, expected utilization is 4.3% and current utilization is 10.26% so no goals are necessary in this area.
  5. Executive Secretaries, Secretaries, Paraeducators, Accounting and Educational Support: Availability of women in this category is 90.4%, expected utilization is 72.3% and a current utilization is 87.62% so no goals are necessary in this area. Minority availability in this category is 6.5%, expected utilization is 5.2% and current utilization is 12.87% so no goals are necessary in this area.
  6. Custodial/Maintenance: Availability of women in this category is 25.6%, expected utilization is 20.5% and a current utilization is 20.93% so no goals are necessary in this area. Minority availability in this category is 13.7%, expected utilization is 11.0% and current utilization is 19.77% so no goals are necessary in this area.
  7. Food Service: Availability of women in this category is 70.3%, expected utilization is 56.2% and current utilization is 100.0% so no goals are necessary in this area. Minority availability in this category is 22.7%, expected utilization is 18.2% and current utilization is 14.06%. The District exceeded its 2013-2018

affirmative action goals in this area. However, the District will continue recruiting efforts to increase its minority utilization to a minimum of 18.75% (3 employees) in this category within the next 3-5 years through its recruiting strategies including attending local job fairs and advertising locally as well as assistance with language barrier challenges.

8. Transportation: Availability of women in this category is 32.5%, expected utilization is 26.0% and a current utilization is 55.56% so no goals are necessary in this area. Minority availability in this category is 9.2%, expected utilization is 7.4% and current utilization is 7.94% so no goals are necessary in this area. The District will continue its efforts to maintain or strengthen its utilization of minorities in this job category through its recruiting strategies including community banners, school reader boards, advertising in the local newspaper and/or radio stations, attend local job fairs, and hold job fairs at the transportation office.

## VI. Supportive Systems

The District considers all applicants and employees on the basis of job-related qualifications. The District applies applicable employment credential requirements without regard to sex; does not differentiate pay on the basis of sex; does not differentiate in the assignment of employment duties on the basis of sex except where such assignment would involve duty areas or situations, such as, but not limited to, a shower room, where persons might be disrobed; provides the same opportunities for advancement without regard to sex; and does not differentiate conditions of employment on the basis of sex.

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

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

To facilitate attainment of affirmative action goals, the Human Resources Department has responsibility for implementing and/or monitoring the following support activities:

### 1. The Bellingham Promise

- There is a strong connection between the overarching purpose of the Affirmative Action Plan and the Bellingham Promise. The philosophy of the Promise is an essential part of the District's commitment to facilitating change that will lead to recruiting and hiring a more diverse, inclusive and equitable organization. Focus areas include, but are not limited to, race and ethnicity, gender identity and sexual orientation, socioeconomic status, disability, language and culture.

### 2. Job Descriptions

- Job descriptions will be reviewed and revised as necessary to reflect current duties, essential job functions and critical job elements. Job descriptions will also reflect the District's value of employing a diverse and culturally competent workforce by including the ability and commitment to work effectively across cultures, embrace cultural and linguistic diversity, utilize culturally responsive practices, and demonstrate the skill and ability to engage with diverse communities and remove institutional barriers to services.

### 3. Recruiting

- The district will continue to use recruitment sources and procedures that will ensure qualified, protected-class applicants are identified and recruited.
- The District will increase community outreach to inform underrepresented groups (minorities) who could be potential applicants about district employment opportunities.

- Target newspaper and web-based posting options in venues connected with ethnically diverse candidates, district and community-based "job fairs," and active participation with other public and community agencies on diversity and affirmative action issues will be used to increase the diversity of the applicant pool.
- Review job postings to ensure they include statements regarding the District's commitment to providing a culturally competent work environment and value of a diverse workforce that is reflective of our school community.

#### 4. Employee Selection

The District will:

- Base selection systems and methods on essential job functions and critical job elements.
- Make a continuing review of hiring criteria and job qualifications to ensure the relevancy of the criteria to the task to be performed and the needs of the position.
- Continue administrator trainings and systems to ensure personal, cultural and institutional biases do not interfere with the screening, interviewing and hiring of diverse candidates.
- As vacancies occur, remind recruiting and hiring authorities of the District's commitment and goals under the Affirmative Action Plan.
- Monitor all aspects of the employee selection process for inclusion of underutilized protected-class applicants.

#### 5. Orientation and Induction

- All new employees receive an orientation and induction. These programs include a general orientation to the District and a review of pertinent District policies, including equal employment opportunity and affirmative action.

#### 6. Evaluation

- Evaluate all employees annually using processes and criteria appropriate to each position.
- Employees can access informal career counseling through each employee's supervisor and the Human Resources Department.

#### 7. Complaint Procedure

- The District has adopted an informal and formal complaint procedure for use by all employees and external applicants with regard to allegations of discrimination. Nondiscrimination Procedure 5010P is provided in Attachment B and available online in the District's Policy and Procedures Manual.

## **VII. Internal Audit and Reporting**

A goal of this plan is to improve dissemination of recruiting information about career opportunities with Bellingham Public Schools. The computer-based applicant tracking system which records gender, veteran, and minority status has been utilized for frequent monitoring of job applicants 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.

Job announcements and application procedures are available on the District's website for easy access by employees and external candidates. The District has distribution lists on file containing names of those agencies where recruitment information is emailed and/or posted electronically. Jobs may also be posted in the newspaper and with various online job posting websites.

The District encourages staff development and the use of opportunities made available through the Department of Teaching and Learning, Classified Professional Development and BASE In-service, local Educational Service District, Bellingham Technical College, Whatcom Community College, and Western Washington University. Staff development opportunities are advertised via District newsletters, the internet and intranet, building administrators, and employee associations.

## **VIII. Reduction in Force (RIF)**

The District will make reductions in staff 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.

## **Attachment A:**

### **Nondiscrimination and Affirmative Action Policy 5010**

#### **Nondiscrimination**

The district will provide equal employment 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 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, 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 will designate a staff member to serve as the compliance officer.

#### **Affirmative Action**

The 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 will 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, 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 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, 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, 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.

#### **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 their 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 the 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 an 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 use any employment tests or criteria that screen out persons with disabilities unless the test or criteria is clearly and specifically job-related. Also, the district will not use such tests or criteria if 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 of the United States, 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:                    2030 - Service Animals in Schools  
   5320 – Leaves – Certificated and Classified Administrators and  
   Non-Represented Classified Employees

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 Educational 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  
38 USC 4212 Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)

Management Resources: 2018 - May Issue  
2017 - April Issue  
2014 - December Issue  
2013 - June Issue  
2011 - June Issue  
2011 - February Issue

Policy News, August 2007 Washington's Law Against  
Discrimination

Policy News, June 2001 State Updates Military Leave Rights

Adoption Date: December 12, 2013

Revised: August 25, 2015, February 20, 2019

Superintendent Approved

## **Attachment B:**

### **Nondiscrimination Procedure 5010P**

#### **Complaint Procedure**

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 anti-discrimination laws. No staff member's status with the district will be adversely affected in any way because the staff member utilized these procedures. The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. The district is prohibited by law from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with their right to file a complaint under this procedure and from retaliating against an individual for filing such a complaint. Where collective bargaining procedures provide for an alternate method of processing complaints, those procedures will apply.

#### **1. Informal Process for Resolution**

When a staff member has an employment problem concerning discrimination, they will discuss the problem with the immediate supervisor, personnel director, or superintendent within 60 days of the circumstances which gave rise to the problem. The staff member may also ask the compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member feels they cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member may directly contact the compliance 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. During the course of the informal process, the district will notify complainant in a language the complainant can understand of their right to file a formal complaint.

#### **2. Formal Process for Resolution**

##### **Level One: Complaint to District**

**Anyone may file a written complaint** alleging a violation of any state or federal anti-discrimination law. The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation. The time period for filing a complaint is one year from the date of the occurrence that is the subject matter of the complaint. However, a complaint filing deadline may not be imposed if the complainant was prevented from filing due to: 1) Specific misrepresentations by the district that it had resolved the problem forming the basis of the complaint; or 2) Withholding of information that the district was required to provide under Chapter 392-190-065 WAC or Chapter 392-190-005 WAC. Complaints may be submitted by mail, fax, e-mail or hand-delivery to any district or school administrator, or to the district compliance officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.

Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure in a language the complainant can understand. The compliance officer or designee will investigate the allegations. The school district and complainant may agree to resolve the complaint in lieu of an investigation, in which case no further action will be necessary. The compliance officer will provide the superintendent with a full written report of the complaint and the results of the investigation.

The superintendent or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing in a language the complainant can understand of the reason for the extension and the anticipated response date. At the time the district responds to the complainant, the district must send a copy of the response to the Office of Superintendent of Public Instruction (OSPI).

The decision of the superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the district has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the district deems necessary to correct it; and 4) notice of the complainant's right to appeal to the school board and the necessary filing information. The superintendent's or designee's response will be provided in a language the complainant can understand.

Any corrective measures deemed necessary will be instituted as expeditiously as possible, but in no event later than 30 calendar days following the superintendent's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

### **Level Two - Appeal to Board of Directors**

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may file a written notice of appeal with the secretary of the board within ten (10) calendar days following the date upon which the complainant received the response.

The board will schedule a hearing at which both parties will be allowed to present such witnesses and testimony as the board deems relevant and material. The board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal, unless the complainant agrees to a longer period of time, and will provide the complainant with a copy of the decision in a language the complainant can understand.

The decision will include notice of the complainant's right to appeal to OSPI and will identify where and to whom the appeal must be filed. The district will send a copy of the appeal decision to OSPI.

### **Level Three - Complaint to the Superintendent of Public Instruction**

If a complainant disagrees with the decision of the board of directors, or if the district fails to comply with this procedure, the complainant may file a complaint with OSPI.

1. A complaint must be received by OSPI on or before the twentieth (20) calendar day following the date upon which the complainant received written notice of the

board of directors' decision, unless OSPI grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.

2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the district; 4) A copy of the district's complaint decision and appeal decision; and 5) A proposed resolution of the complaint or relief requested. If the allegations regard a specific student, the complaint must also include the name and address of the student, or in the case of a homeless child or youth, contact information, and the school the student attends.
3. Upon receipt of a complaint, OSPI may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent or board.
4. Following the investigation, OSPI will make an independent determination as to whether the district has failed to comply with Chapter 392-190 WAC and will issue a written decision to the complainant and the district that addresses each allegation in the complaint and any other noncompliance issues OSPI has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and documentation the district must provide to demonstrate that corrective action has been completed.

All corrective actions must be completed within the timelines established by OSPI in the written decision unless OSPI grants an extension. If timely compliance is not achieved, OSPI may take action including but not limited to referring the district to appropriate state or federal agencies empowered to order compliance.

A complaint may be resolved at any time when, before the completion of the investigation, the district voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

#### **Level Four - Administrative Hearing**

The complainant or district may appeal the written decision of OSPI by filing a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of OSPI's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedure Act, Chapter 34.05 RCW.

#### **3. Mediation**

At any time during this complaint procedure, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the discrimination complaint process deadlines in order to pursue mediation.

The purpose of mediation is to provide both the complainant and the district an opportunity to resolve disputes and reach a mutually acceptable agreement through the use of an impartial mediator. Mediation must be voluntary and requires the mutual agreement of both parties. It may be terminated by either party at any time during the mediation process. It may not be used to deny or delay a complainant's right to utilize the complaint procedures.

Mediation must be conducted by a qualified and impartial mediator who may not: 1) Be an employee of any school district, public charter school, or other public or private agency that is providing education related services to a student who is the subject of the complaint being mediated; or 2) Have a personal or professional conflict of interest. A mediator is not considered an employee of the district or charter school or other public or private agency solely because they serve as a mediator.

If the parties reach agreement through mediation, they may execute a legally binding agreement that sets forth the resolution and states that all discussions that occurred during the course of mediation will remain confidential and may not be used as evidence in any subsequent complaint, due process hearing, or civil proceeding. The agreement must be signed by the complainant and a district representative who has authority to bind the district.

#### **4. Preservation of Records**

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, will be retained in the office of the district compliance officer for a period of 6 years.

### **Internal Audit and Monitoring System**

The district may ask about protected status to the extent required to do so by state and federal laws, subject to compliance with Chapter 162-12 WAC. Information that reveals the protected status of an individual shall be kept confidential.

### **Resources**

District Contact  
Bob Kuehl, Assistant Superintendent of Human Resources  
Bellingham Public Schools  
1306 Dupont Street  
Bellingham, WA 98225  
(360) 647-6811

State Contacts  
Superintendent of Public Instruction  
Equity and Civil Rights Office  
P.O. Box 47200  
Olympia, WA 98504-7200  
(360) 725-6162

Washington State Human Rights Commission  
711 South Capitol Way, Suite 402  
P.O. Box 42490  
Olympia, WA 98504-2490  
(360) 753-6770

Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
(206) 607-1600

Adopted: 10/09/03

Revised: 10/29/13; 04/29/14; 08/25/15; 02/20/19

## Attachment C

### Affirmative Action Utilization Analysis Total Staff as of October 2018

CATEGORY	Total Employees	Women		Minority <sup>1</sup>		Veteran	
		#	%	#	%	#	%
Certificated Administrators	57	27	47.37%	5	8.77%	0	0.00%
Teachers & Instructional Support Personnel	854	627	73.42%	58	6.79%	0	0.00%
<b>TOTAL CERTIFICATED</b>	<b>911</b>	<b>654</b>	<b>71.79%</b>	<b>63</b>	<b>6.92%</b>	<b>0</b>	<b>0.00%</b>
Classified Admin./Mgrs./Supv.	26	14	53.85%	2	7.69%	0	0.00%
Instructional Support/Coord./Acct./Tech.--Exempt	39	24	61.54%	4	10.26%	0	0.00%
Secretary -- Exempt Sec-Clerk/IA/Acct/ESS/Intrp	404	354	87.62%	52	12.87%	2	0.50%
Custodial/Maintenance	86	18	20.93%	17	19.77%	1	1.16%
Food Service	64	64	100.00%	9	14.06%	0	0.00%
Transportation	63	35	55.56%	5	7.94%	0	0.00%
<b>TOTAL CLASSIFIED</b>	<b>682</b>	<b>509</b>	<b>74.63%</b>	<b>89</b>	<b>13.05%</b>	<b>3</b>	<b>0.44%</b>
<b>DISTRICT TOTAL</b>	<b>1593</b>	<b>1163</b>	<b>73.01%</b>	<b>152</b>	<b>9.54%</b>	<b>3</b>	<b>0.19%</b>

## Attachment D

### Affirmative Action Plan Availability Analysis: Women October 2018

Job Group	Total Female Empl. 2018	Total Empl. 2018	Percent Total Female	Availability Annual Placement Rate	Percent Female Expected*	Percent Underutilized	Goal for 2019 – 2024 Utilization Increase
Certificated Administrators	27	57	47.37%	62.9%	50.3%	2.93%	5.26% 3 employees
Teachers/Instructional Support Personnel	627	854	73.42%	72.9%	58.3%	N/A	N/A
Classified Admin./Mgrs./Supervisors	14	26	53.85%	54.4%	43.5%	N/A	N/A
Instructional Support/Coord./Acct./Tech.	24	39	61.54%	35.7%	28.6%	N/A	N/A
Exec. Sec./Sec./Para./Acct./Educ. Support	354	404	87.62%	90.4%	72.3%	N/A	N/A
Custodial/Maintenance	18	86	20.93%	25.6%	20.5%	N/A	N/A
Food Service	64	64	100.00%	70.3%	56.2%	N/A	N/A
Transportation	35	63	55.56%	32.5%	26.0%	N/A	N/A
<b>Total</b>	<b>1163</b>	<b>1593</b>	<b>73.01%</b>				

Washington State statistics used for rows 1-3  
Whatcom County statistics used for rows 4-8

\* 80% of Total Availability

**Note:** With the exception of certificated administrators, there is no underutilization of women employees. Certificated female administrators are underutilized by 2.93%. However, the 2013-18 Affirmative Action Plan data shows an increase from 24 to 27 of women who are certificated administrators from November of 2012 to October of 2018. The District is committed to hiring and retaining a diverse workforce that is reflective of the District's students and families. With that in mind, Human Resources will continue to monitor and make efforts to increase the diversity of its workforce in all job categories, including those in which women are not statistically underutilized.

## Attachment E

### 2013-2018 Affirmative Action Plan Ethnic Minority Percentage of BSD Staff

<b>JOB GROUPS WITH AA GOALS</b>	<b>ETHNIC MINORITY – Percent of BSD Staff</b>					
	Oct. 2013	Oct. 2014	Oct. 2015	Oct. 2016	Oct. 2017	Oct. 2018
Certificated Administrators	4.35%	6.25%	5.77%	7.27%	6.90%	8.77%
Teachers/Instructional Support Personnel	5.02%	6.14%	5.76%	5.84%	6.57%	6.79%
Classified Administrators/ Managers/Supervisors	6.67%	10.00%	8.00%	11.54%	7.69%	7.69%
Instructional Support/ Coordinators/Accounting/Tech	13.33%	12.90%	14.29%	14.29%	13.89%	10.26%
Executive Secretary/Secretary/ Paraeducator/Acct/Educational Support	4.22%	6.62%	6.50%	9.58%	8.82%	12.87%
Custodial/Maintenance	10.13%	11.39%	12.20%	15.38%	18.82%	19.77%
Food Services	11.76%	11.86%	16.42%	13.85%	15.38%	14.06%
Transportation	5.45%	9.62%	8.77%	9.43%	8.20%	7.94%
Total	5.70%	7.18%	7.16%	8.12%	8.45%	9.54%

## Attachment F

### Affirmative Action Plan Availability Analysis: Minorities October 2018

Job Group	Total Minority Empl. 2018	Total Empl. 2018	Percent Total Minority	Availability Annual Placement Rate	Percent Minority Expected*	Percent Underutilized	Goal for 2019 – 2024 Utilization Increase
Certificated Administrators	5	57	8.77%	13.3%	10.6%	1.83%	14.04% 3 employees
Teachers/Instructional Support Personnel	58	854	6.79%	9.1%	7.3%	0.51%	8.55% 15 employees
Classified Admin./Mgrs./Supervisors	2	26	7.69%	15.5%	12.4%	4.71%	15.38% 2 employees
Instructional Support/Coord./Acct./Tech	4	39	10.26%	5.4%	4.3%	N/A	N/A
Exec. Sec./Sec./Para./Acct./Educ. Support	52	404	12.87%	6.5%	5.2%	N/A	N/A
Custodial/Maintenance	17	86	19.77%	13.7%	11.0%	N/A	N/A
Food Service	9	64	14.06%	22.7%	18.2%	4.14%	18.75% 3 employees
Transportation	5	63	7.94%	9.2%	7.4%	N/A	N/A
<b>Total</b>	<b>152</b>	<b>1593</b>	<b>9.54%</b>				

Washington State statistics used for rows 1-3  
 Whatcom County statistics used for rows 4-8

\* 80% of Total Availability

Note: Some of the job classifications identified in this attachment show no underutilization of minority employees. However, the District is committed to hiring and retaining a diverse workforce that is reflective of the District's students and families. With that in mind, Human Resources will continue to monitor and make efforts to increase the diversity of its workforce in all job categories, including those in which minorities are not statistically underutilized.