



Highline Public Schools Board Action Report

Supports the Strategic Plan

DATE: October 30, 2019

FROM: Dr. Susan Enfield, Superintendent

LEAD STAFF: Dr. Steve Grubb, Chief Talent Officer

For Introduction: November 6, 2019 For Action: November 20, 2019

I. TITLE Nondiscrimination and Equitable Employment Practices - Policy 5010

II. WHY BOARD ACTION IS NECESSARY Board action is necessary to approve proposed revisions - in content and title - for this policy.

III. BACKGROUND INFORMATION

Revisions for "Nondiscrimination and Equitable Employment Practices - Policy 5010" have been made to better align the policy to two essential policies for our district strategic plan: Equity Policy 0010 and the proposed Workplace Environment and Culture - Policy 5000. A steering committee made up of central office personnel and school-based personnel, in addition to HR department leadership contributed to the proposed revisions in this policy. Further, with a responsive focus on equitable employment within our district, a clear call for action and review is made in alignment to our Equity Policy 0010. The title has been revised from "Nondiscrimination and Affirmative Action" to "Nondiscrimination and Equitable Employment Practices" to better reflect language in our district Equity Policy (0010), as well as ongoing practices and experiences related to employment in our district.

IV. RECOMMENDED MOTION

I move that the Highline School Board approve the revisions outlined in policy 5010.

V. FISCAL IMPACT/REVENUE SOURCE

Fiscal impact to this action will be (amount and source including fund Example - \$522,000 from general fund Title 1 revenue).

There is no additional fiscal impact. This work is already underway.

The revenue source for this motion is BEA.

Expenditure: One-time Annual

VI. APPLICABLE POLICY(S)

This action is in compliance with the following: Highline Public Schools Equity Policy (0010) and the proposed Workplace Environment and Culture policy (5000).

VII. ALTERNATIVES

The alternative is to not have this policy more explicitly reflect our beliefs in alignment to our Equity Policy (0010), proposed Workplace Environment and Culture policy (5000) and strategic plan.

VIII. COMMUNITY ENGAGEMENT

Community Engagement Required: Yes No

IX. POLICY MONITORING PLAN

This new or revised policy will be monitored by the School Board:

Quarterly Semi-Annually Annually Not Applicable

The metrics that will be used to monitor this policy include: Standard hiring and retention data

X. ATTACHMENTS

Policy 5010 - Nondiscrimination and Equitable Employment - Clean for Approval

Policy 5010 - Nondiscrimination and Equitable Employment - Redline for Review



Policy 5010 – NONDISCRIMINATION AND EQUITABLE EMPLOYMENT PRACTICES

It is the belief of the Highline School Board that the employment of a diverse workforce is essential. The board recognizes that absent the talent and leadership of impactful and diverse administrators, managers, teachers, and support personnel our system does not have what is needed to implement our strategic plan and equity policy. We seek diversity through race, identity, culture, and linguistic differences for the benefit of our students and community. These do not supplant other traits that are identified by nondiscrimination and equitable hiring practices.

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 - the treatment of a person or group of people differently than other people often because of traits such as 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 service animal by a person with a disability. The district believes that such traits are an individual and workforce asset. Highline Public Schools believes equitable hiring practices are essential to the realization of nondiscrimination for our employees.

The board shall designate the Director of Human Resources as a staff member to serve as the compliance officer. This compliance officer ensures our organization and systemic processes delivers on our promise as an equal employment opportunity provider.

Equitable hiring Practices with a Focus on the Retention of a High-Quality Diverse Workforce

The district believes that the employment of a diverse workforce is essential to fulfill its strategic plan for students, staff, and the community. Further, the district is committed to undertake strategic and responsive recruitment, hiring, and retention efforts which shall make effective equal employment opportunities for staff and applicants for employment. Such efforts shall include a review of district programs in aggregate as well as by school or department and the setting of goals and the implementation of adaptive employment procedures to support and enact a recruitment and retention plan that has proportionality between student and staff demographics as its aim. District recruitment and retention plans may not include hiring or employment preferences based on gender or race, including color, ethnicity or national origin.

The superintendent shall develop a recruitment and retention plan that 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, persons with disabilities, racialized groups, women and Vietnam veterans; although under state law racialized groups and women and Vietnam veterans may not be granted preferential treatment in public employment.

This policy, as well as the recruitment and retention 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 accommodations 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 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.

The superintendent is authorized to create procedures in support of this policy.

District Cross Reference:

Equity Policy – Policy 0010
Service Animals in Schools - Policy 2030
Workplace Environment and Culture – Policy 5000
Resolution of Staff Complaints - Policy 5270
Military Leave - Policy 5407

Legal Reference:

Law against discrimination applicable to districts' employment practices - [RCW 28A.400.310](#)
Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies - [RCW 28A.640.020](#)
Discrimination prohibition - [RCW 28A.642](#)
Human rights commission - [RCW 49.60](#)
Freedom from discrimination — Declaration of civil rights - [RCW 49.60.030](#)
Unfair practices of employers - [RCW 49.60.180](#)
Discrimination, preferential treatment prohibited - [RCW 49.60.400](#)
Employment and Reemployment - [RCW 73.16](#)
Equal Education Opportunity – Unlawful Discrimination Prohibited - [WAC 392-190](#)
Public school employment — Affirmative action program - [WAC 392-190-059](#)
Title VII of the Civil Rights Act of 1964 - [42 USC §§2000e1 – 2000e10](#)
Title IX Educational Amendments of 1972 - [20 USC §§1681 - 1688](#)
Americans with Disabilities Act - [42 USC 12101 – 12213](#)
(IRCA) Immigration Reform and Control Act of 1986 - [8 USC §1324](#)
Uniformed Services Employment and Reemployment Rights Act - [38 USC §§ 4301-4333](#)
Vocational Rehabilitation Act of 1973 - [29 USC § 794](#)
Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance - [34 CFR § 104](#)

Management Resources:

Laws Against Discrimination Address Equal Education Opportunities - *Policy News*, June 2011

Nondiscrimination - *Policy News*, February 2011

Washington's Law Against Discrimination - *Policy News*, August 2007

State Updates Military Leave Rights - *Policy News*, June 2001

Highline School District 401

Adopted by the Board: October 1983

Revised by the Board: 03.93, 08.00, 05.12, 6.16, 11.19

Classification: Priority



Policy 5010 – NONDISCRIMINATION AND AFFIRMATIVE ACTION EQUITABLE EMPLOYMENT PRACTICES

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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- the treatment of a person or group of people differently than other people often because of traits such as 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 district believes that such traits are an individual and workforce asset. Highline Public Schools believes equitable hiring practices are essential to the realization of nondiscrimination for our employees.

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Affirmative Action

Equitable hiring Practices with a Focus on the Retention of a High-Quality Diverse Workforce

The district, as a recipient of public funds, believes that the employment of a diverse workforce is essential to fulfill its strategic plan for students, staff, and the community. Further, the district is committed to undertake ~~affirmative action~~ strategic and responsive recruitment, hiring, and retention efforts which shall make effective equal employment opportunities for staff and applicants for employment. Such ~~affirmative action~~ efforts shall include a review of district programs in aggregate as well as by school or department and the setting of goals and the implementation of ~~corrective~~ adaptive employment procedures to increase the ratio of aged, persons with disabilities, ethnic minorities, women support and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. ~~Affirmative action~~ enact a recruitment and retention plan that has proportionality between student and staff demographics as its aim. District recruitment and retention 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~~ a recruitment and retention plan that 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, persons with disabilities, ~~ethnic minorities~~ racialized groups, women and Vietnam veterans; although under state law ~~racial minorities~~ racialized groups and women and Vietnam veterans may not be granted preferential treatment in public employment.

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 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~~ accommodations would impose an undue hardship on the district, factors to be considered include the nature and cost of the accommodation.
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[WSSDA Cross References:](#)

[Nondiscrimination and Affirmative Action – Policy 5010](#)

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