

*Mercer Island
School District No. 400*

*Workforce Diversification and Inclusion Plan
(Affirmative Action Plan)*

2017-2022



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INTRODUCTION

The Mercer Island School District (“District”) provides equal employment opportunities to its staff and to applicants for positions in the District. Since October 1, 1975, the District has had a policy of administering recruitment, training, promotions and other District personnel actions without regard to race, color, national origin, religion, sex, marital status, age or the presence or absence of disabilities.

In compliance with chapters RCW 28A.642,¹ WAC 392-190-0592,² and the OSPI Affirmative Action Plan Checklist, this Workforce Diversification (Affirmative Action) Plan (“Plan”) was created to advance, monitor, and maintain the District’s Nondiscrimination and Affirmative Action Policy. This Plan is designed provide guidance on the District’s outreach and recruitment methods for the years 2017-2022. Although intended to provide guidance for the forthcoming five years, the Plan will be reviewed annually and modified, if necessary, to ensure compliance with applicable laws.

OVERVIEW

This Plan provides an overview of the diversity of the District’s current workforce, identifies where our workforce diversity can be improved, and outlines strategies designed to achieve such improvement. The basis for the establishment of goals in the current Plan involves a comparison of the District’s staff composition in various job categories to the percentage availability in the labor force based on ethnicity/race. Similarly, the basis for establishment of goals relating to gender balance in the plan is the proportion of men to women in the labor force for various job categories compared to District staff.

This Plan advances equal employment opportunity without preferential treatment on the basis of race, gender, ethnicity or national origin. This Plan is also designed to ensure the District’s policies are properly implemented without unlawful discrimination on the basis of race, creed, color, religion, ancestry, national origin, age, economic status, sexual orientation including gender expression or identity, pregnancy, marital status, physical appearance, the presence of any sensory, mental, or physical disability, honorably discharged veteran or military status, or the use of a trained dog guide or service animal by a person with a disability, except as may be permitted to meet a bona fide occupational qualification.

Each District employee who is involved in a hiring or promotion decisions shall be committed to ensuring that such decisions are made without discrimination and with a view toward the goals set out in this Plan. It is the responsibility of each individual administrator to promote a strong commitment to nondiscrimination for all staff and potential staff under his or her management, and for working to achieve the goals set out in this Plan.

¹ The Revised Code of Washington, RCW, prohibits discrimination in school district employment practices. *See* RCW 28A.642.

² In accordance with WAC 392-190-0592, each school district and public charter school must develop an affirmative action employment plan or program that includes appropriate provisions designed to eliminate discrimination.

PURPOSE OF THE WORKFORCE DIVERSIFICATION PLAN

The Workforce Diversification Plan serves the following purposes:

- A. To ensure the absence of discrimination in employment practices because of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, marital status, age, 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.
- B. To identify at all levels of the District's workforce areas of underutilization of racial and ethnic minorities and women.
- C. To recognize identified underutilization when planning and implementing recruitment efforts.

INTERNAL AUDIT AND MONITORING SYSTEM

To ensure the implementation and success of the District's nondiscrimination in employment policy, the Human Resources Department will maintain a record system that will collect facts on the District employees' and applicants' sex, race, national origin or minority status, age, etc. to help ensure that the District's recruiting efforts are reaching protected groups.

The Affirmative Action Officer will evaluate the effectiveness of the plan and recommend changes to the Board of Directors through the Superintendent. Changes mandated by the School Board will be carried out under the direction of the Affirmative Action Officer.

UTILIZATION ANALYSIS

The analyses are intended to address differences in the utilization rate of women and ethnic minorities in the District as compared with their statistical availability in a reasonable recruitment area. Where there is a valid statistical difference, which indicates the underutilization of women or ethnic minorities, this difference is noted.

In analyzing the District's workforce for evidence of possible underutilization, the general approach used is to compare the "protected class" percentage of District employees in various job groups to the percentage of this group in the available workforce. In establishing comparison figures representing the available workforce, data was taken from "OSPI Personnel by Major Position and Gender, Race/Ethnicity for School Year 2015-2016 for Washington State" and "EEO Tabulation" created by the Census Bureau, using 2006-2010 census data for King County.

The 4/5, or 80%, rule was used to identify cases of underutilization (see Appendix A for an explanation of the 4/5 rule).

Table 1 Available Ethnic/Racial Minorities and Women in the Employment Pool

<i>Job Group</i>	<i>Data Source</i>	<i>Minority Availability</i>	<i>Female Availability</i>
Certificated Administrators (District & Buildings)	OSPI - WA	11.76%	50.36%
Classified Administrators, Professionals & Technical	EEO King County	20%	48.4%
Elementary Teachers, including SPED	OSPI - WA	10.82%	86.53%
Secondary Teachers, including SPED	OSPI - WA	9.53%	54.83%
Certificated Specialists (Psych, SLPs, Nurses, etc.)	OSPI - WA	10.98%	84.24%
Classified Educational Support (paraprofessionals)	EEO King County	35.10%	59.1%
Clerical Support	EEO King County	27.5%	72.3%
Custodial & Grounds	EEO King County	31.6%	16.6%
Bus Drivers	EEO King County	34.4%	41%
Maintenance	EEO King County	34.3%	7%

Table 2 Mercer Island School District 2017 Utilization Analysis – Females

<i>Job Group</i>	<i>Total Females</i>	<i>Total Employees</i>	<i>Percent Female</i>	<i>Availability</i>	<i>Underutilized?</i>
Certificated Administrators (District & Buildings)	12	17	70.59%	50.36%	No
Classified Administrators, Professionals & Technical	9	16	56.25%	48.4%	No
Elementary Teachers, including SPED	115	125	92.00%	86.53%	No
Secondary Teachers, including SPED	99	148	66.89%	54.83%	No
Certificated Specialists	31	32	96.88%	84.24%	No
Classified Educational Support (paraprofessionals)	78	91	85.71%	59.1%	No
Clerical Support	17	28	100%	72.3%	No
Custodial & Grounds	0	22	0%	16.6%	Yes
Bus Drivers	4	31	12.9%	41%	Yes
Maintenance	0	8	0%	7%	Yes

Table 3 Mercer Island School District 2017 Utilization Analysis – Minorities

<i>Job Group</i>	<i>Total Minorities</i>	<i>Total Employees</i>	<i>Percent Minority</i>	<i>Availability</i>	<i>Underutilized?</i>
Certificated Administrators (District & Buildings)	2	17	11.76%	11.34%	No
Classified Administrators, Professionals & Technical	3	16	18.75%	20%	No
Elem Teachers, w/ SPED	7	125	5.6%	10.82%	Yes
Secondary Teachers, w/ SPED	16	148	10.81%	9.53%	No
Certificated Specialists	0	32	0%	10.98%	Yes
Classified Educational Support (paraprofessionals)	21	91	23.08%	35.10%	Yes
Clerical Support	2	28	7.14%	27.5%	Yes
Custodial & Grounds	18	22	81.82%	31.6%	No
Bus Drivers	4	31	12.9%	34.4%	Yes
Maintenance	2	8	25.00%	34.3%	Yes

GOALS

The goals in this Plan are intended to address differences in the utilization rate of women and ethnic minorities in the District as compared with each group's availability in a reasonable recruitment area. A goal was established when the utilization analysis revealed a valid statistical difference between the number of women or ethnic minorities available in the workforce in a particular job category and the number employed by the District in that category. The approach used to determine possible underutilization was to compare the percentage of protected class employees in a particular job class to the percentage of the available protected class members in that class in the available workforce. Using the 4/5's or 80% rule, if the District's percentage is below 80% of the available workforce percentage, the District is underutilizing that group from the employment pool.

Where underutilization has been identified, the long-range goal is to eliminate the underutilization. When this is accomplished, it no longer remains as a goal. An annual utilization review for the various job categories will be the basis of measuring progress toward this goal.

This goal will be achieved through the promotion of outreach, recruitment, training, and education efforts intended to expand the pool of qualified applicants consistent with the District's standards of excellence, but without the use of hiring preferences. This Plan advances equal employment opportunity without preferential treatment on the basis of race, gender, ethnicity, or national origin.

GOALS BY JOB GROUP

Certificated Administrators: The District finds that within this job group, females and minorities are utilized. Within the next four years, the District's hiring goal for this group will be to hire qualified candidates that maintain this utilization.

Classified Administrators/Professionals/Technical: The District finds that within this job group, females and minorities are utilized. Within the next four years, the District's hiring goal for this group will be to hire qualified candidates that maintain this utilization.

Elementary Teachers: The District finds that within this job group, females are utilized. Within the next four years, the District's hiring goal for this job group will be to hire qualified minority candidates. The District would need to hire four minority candidates to reflect the available population.

Secondary Teachers: The District finds that within this job group, females and minorities are utilized. Within the next four years, the District's hiring goal for this job group will be to hire qualified candidates that maintain this utilization.

Certificated Specialists: The District finds that within this job group, females are utilized. Within the next four years, the District's hiring goal for this group will be to hire qualified minority candidates. The District would need to hire three minority candidates to reflect the available population.

Classified Educational Support: The District finds that within this job group, females are utilized. Within the next four years, the District's hiring goal for this group will be to hire qualified minority candidates. The District would need to hire five minority candidates to reflect the available population.

Clerical Support: The District finds that within this job group, minorities are underutilized. Within the next four years, the District's hiring goal for this group will be to hire qualified minority candidates. We would need to hire four minority candidates to reflect the available population.

Custodial: The District finds that within this job group, females are underutilized. Within the next four years, the District's hiring goal for this group will be to hire qualified female candidates. We would need to hire three female candidates to reflect the available population.

Bus Drivers: The District finds that within this job group, females and minorities are underutilized. Within the next four years, the District's hiring goal for this group will be to hire qualified female and minority candidates. We would need to hire seven female candidates and five minority candidates to reflect the available population.

Maintenance: The District finds that within this job group, females are underutilized. Within the next four years, the District's hiring goal for this group will be to hire qualified female and minority candidates. We would need to hire one female and one minority candidate to reflect the available population.

STRATEGIES

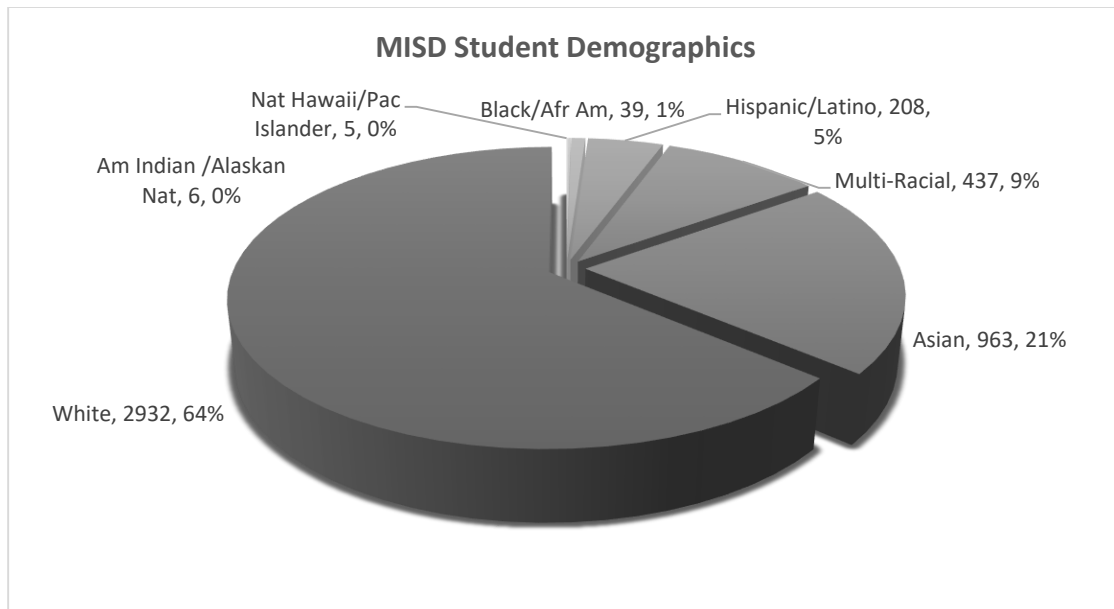
The District strives to employ staff that reflect the demographics of the community it serves, Mercer Island. To achieve this, the District must focus on recruitment, selection, onboarding and retention of employees. Below are key strategies that the District has identified as essential to closing the underutilization gaps identified in this analysis.

Recruitment:

Recruitment is a critical step in ensuring a diverse workforce. The District will continue to cast a wide net to identify as many qualified candidates as possible with an eye toward increasing diversity candidates through targeted recruitment by identifying key groups, organizations and publications that are more likely to reach diverse audiences. The District will identify and expand recruitment areas to include more minority communities (college job fairs, historically minority colleges and universities, etc.).

The District will strive build relationships with local colleges, universities and trade schools to identify and connect with students of color from various departments where gaps exist; connect with student groups such as racial/ethnic student unions/associations, to share information about working with the District.

In pursuing its recruitment strategies, the District will remain cognizant of the District's student demographics. The following graph depicts the District's student demographics as of October 2017:



Selection Strategies:

While recruitment is important, it is only the first step in moving the District workforce to greater diversity. The District believes that it is critical to work with hiring administrators and hiring teams to ensure the selection process is free of bias. To achieve this, the Human Resource department will develop and provide guides for hiring teams that include best practices such as forming diverse hiring committees, evaluating job-related criteria to ensure there are no artificial barriers to entry, and completing and maintaining necessary records such as the interview rating forms of panel members. The District will also provide hiring administrators training designed to address the implicit bias.

Retention Strategies:

Retention is critical to the District's ability to serve its students and to creating and then maintaining an ever more diverse workforce. Recruitment and selection of a diverse workforce is a goal of the District. But this goal must be coupled with the ongoing cultivation of a District culture marked by inclusiveness of people, ideas, and backgrounds. To this end, the District will work with its staff to foster a heightened appreciation for the value diversity brings to our community. Further, the District will continue to work with staff on identifying and addressing implicit bias.

In order to better understand and address why employee attrition, the Human Resources department will develop a plan for in-person exit interviews.

SUPPORTIVE SYSTEMS

- 1) Recruitment of Employees
 - (a) The District shall ensure that all applicants and employees are considered only on the basis of job-related qualifications. The Mercer Island School District shall select employees on the basis of merit, training, and work-related experience. There shall be no illegal discrimination against any employee or applicant.
 - (b) The purpose of a Workforce Diversification Plan is to include persons of identified underutilized classes into the employment process, not to exclude others from the process. The District shall emphasize in all recruitment contacts that nondiscrimination is a basic element in the District's personnel administration.
 - (c) Applicants are recruited from a variety of sources, including, but not limited to:
 - ° Conferences, activities, presentations, receptions, etc.

- Other school districts
 - College campus visitations
 - College placement offices
 - Professional education organizations (WEA, WASA, WASBO, etc.)
 - Online and newspaper advertisements
 - Current candidate files
 - Current substitutes
 - Student teachers
 - Referrals from current staff
 - Career fair(s)
 - Professional web sites
- (d) A continuing review of hiring criteria will be made to ensure their relevancy to the task to be performed and the needs of the position. In addition, the District shall establish continuing relationships with organizations, which are a source for the recruitment of individuals from groups, which may currently be underrepresented in the workforce. This should include such agencies as the State job service agencies and college and university Minority Affairs Departments.
- 2) Career Counseling/Skill Training Program
- (a) Upon request, the Human Resources Department will meet individually with employees in order to answer questions regarding career opportunities in the District, and, when appropriate, make recommendations regarding additional training, which would enhance the individual's opportunity for career advancement.
 - (b) The District's staff development function shall be responsible for ensuring that each employee in the District receives the opportunity to participate in staff development classes and programs offered.
- 3) Grievance Procedure
- (a) The District has established an internal audit and monitoring system to handle grievances and complaints regarding equal employment opportunity within the District. Individuals who file a complaint, subject to either of these complaint procedures that is also subject to Administrative Policy and Procedure 3210 may pursue only one complaint.
 - (b) Filing a complaint under one of these Administrative regulations will have no adverse effect on an employee's status within the District.

DISSEMINATION OF POLICY

It is the responsibility of the Superintendent of the Mercer Island School District, or designee, to inform all applicants for employment, all current employees, all persons responsible for hiring within the District, all employee associations, and all District contractors and subcontractors of its commitment to nondiscrimination in employment. Communication of the Mercer Island School District Workforce Diversification Plan will be accomplished as follows:

- A. Copies of the 2017-2022 Workforce Diversification Plan will be distributed to all pertinent organization, agencies, and people within the District and outside of it as follows:
 - Board of Directors
 - All Administrators (Certificated and Classified)
 - All District work sites
 - All Employee Associations
 - District Website
 - Any employee, upon request
 - The Office of the State Superintendent of Public Instruction
- B. A statement of the District's non-discrimination policy will be placed on pertinent District recruitment material

and application forms.

- C. As part of the District's teacher recruitment program, information will be provided about the District's Non-Discrimination in Employment Policy and its Affirmative Action Plan.
- D. The name, address and telephone number of the District's Affirmative Action Officer will be published, at least annually, in regular District publications to staff and to the community. The District official responsible for affirmative action is Donna Colosky, Superintendent. Upon adoption of the 2017-2022 Workforce Diversification Plan, the Superintendent's Office will issue a statement and information concerning the Plan in regular District publications.
- E. An equal employment opportunity statement will be included on all District job postings and in newspaper advertisements.
- F. Annually, department, unit and school administrators shall inform staff of the District's Workforce Diversification Plan. All employees are responsible for the success of the District's Workforce Diversification Plan.

REDUCTION IN FORCE

Reduction 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 make reductions in force bearing in mind its commitment to equal employment opportunity.

RESPONSIBILITY FOR IMPLEMENTATION

The Superintendent of the District has the ultimate responsibility for developing, implementing, coordinating, and monitoring the Workforce Diversification Plan. The Superintendent has delegated to the Director of Human Resources the responsibility for identifying problem areas and recommendations or directives for solving identified problems. Questions regarding Workforce Diversification should be directed to the Director of Human Resources, Mercer Island School District, 4160 86th Ave SE, Mercer Island, Washington 98040, (206) 230-6336.

NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY

Mercer Island School District Policy 5010BP

Nondiscrimination

The District provides 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, gender, 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 unless based upon a bona fide occupational qualification. The prohibition against discrimination because of disability shall not apply if the particular disability prevents the proper employment performance of the employee involved.

The Board recognizes the importance of educating students to be responsible contributors to our multicultural and diverse global society. An important part of this educational process is exposing students to a District work force and organization that reflects the multicultural and diverse composition of the students and community. It is crucial in working toward this goal that cultural diversity is represented at all levels of employment in the District. All students benefit from interacting with role models that reflect a pluralistic society.

The Board is further committed to an affirmative action program and authorizes the Superintendent or designee to develop, implement, maintain, and monitor suitable and effective processes that address these goals and ensure compliance with applicable state and federal law.

The Superintendent designates the Senior Director of Compliance, Legal Affairs and Human Resources as the Affirmative Action Officer and the 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.

Reference: Administrative Policy 5010BP
Originally Adopted: Board Policy 4214 on 10/01/1975
Adopted: 06/29/78
Revised: 03/11/93; 03/25/93; 04/28/11; 05/01/12; 09/18/12; 03/30/15; 08/24/17

Donna Colosky, Superintendent

David D'Souza, President, Board of Directors

SUMMARY OF UTILIZATION ANALYSIS AND GOALS

The analysis of the 2017-2022 Workforce Diversification Plan data indicates that most categories are underutilized in the area of ethnic minorities. Increase in attraction of minority candidates to the District will be achieved through the promotion of outreach, recruitment, training, and education efforts intended to expand the pool of qualified applicants consistent with the District's standards of excellence.

Table 4, below, represents a summary of goals establishing this plan. For each job group, an "x" under a given protected class indicates that a specific goal has been established for hiring. These goals will be achieved through the promotion of outreach, recruitment, training, and education efforts intended to expand the pool of qualified applicants consistent with the District's standards of excellence.

Table 4 Summary of Goals

JOB GROUP	ETHNIC MINORITY	WOMEN
Certificated Administrators (District & Buildings)		
Classified Administrators, Professionals & Technical		
Elementary Teachers, w/ SPED	X	
Secondary Teachers, w/ SPED		
Certificated Specialists	X	
Classified Educational Support (paraprofessionals)	X	
Clerical Support	X	
Custodial & Grounds		X
Bus Drivers	X	X
Maintenance	X	X

APPENDIX A: UTILIZATION ANALYSIS

UTILIZATION CALCULATIONS USING THE 4/5 OR 80% RULE

EXAMPLE 1

School District		Available in Workforce (Labor Market)	
Total Employees	Total Female	Total Labor Force	Females in Labor Force
<i>Administrators</i>			
45	11	12,324	6,801

Step 1: Determine the percentage of females in the labor market

$$6,801/12,324 = \mathbf{55.19\%}$$

Step 2: Determine the percentage of females employed by the school district

$$11/45 = \mathbf{24.44\%}$$

Step 3: Apply the 4/5 or 80% Rule

$$55.19 \times .8 = \mathbf{44.15\%}$$

Step 4: Does underutilization exist in this example?

Yes. Four fifths or 80% of the total market force is **44.15%**. The percentage of female employees is **24.44%**. **Underutilization exists because 22.44% is less than 44.15%.**

EXAMPLE 2

School District		Available in Workforce (Labor Market)	
Total Employees	Total Female Employees	Total Labor Force	Females in Labor Force
121	43	16,379	4,806

Step 1: Determine the percentage of females in the labor market

$$4,806/16,379 = \mathbf{29.34\%}$$

Step 2: Determine the percentage of females employed by the school district

$$43/121 = \mathbf{35.53\%}$$

Step 3: Apply the 4/5 or 80% Rule

$$29.34 \times .8 = \mathbf{23.47\%}$$

Step 4: Does underutilization exist in this example?

No. Four fifths or 80% of the total market force is **23.47%**. The percentage of female employees is **35.53%**. **Underutilization does not exist because 35.53% is greater than 23.47%.**

APPENDIX B: COMPLAINT PROCEDURES

Administrative Procedure 3210P

NONDISCRIMINATION PROCEDURES

Anyone is eligible to participate in this complaint procedure alleging that the District has violated anti-discrimination laws. This complaint procedure is designed to assure that the resolution of real or alleged violations shall be directed toward a just solution that is satisfactory to the complainant, the administration and the board of directors. This grievance procedure shall apply to the general conditions of nondiscrimination policy (Policy No. 3210) and co-curricular program (Policy No. 2150), and curriculum development and instructional materials (Policy No. 2019). This procedure shall encompass complaints alleging violations of any anti-discrimination law including Title IX regulations, [Chapter 28A.642 RCW](#), [Chapter 392-190 WAC](#), Section 504 of the Rehabilitation Act of 1973, or Title VII of the Civil Rights Act of 1964. As used in this procedure:

- A. **"Grievance"** means a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws.
- B. **"Complaint"** means a written charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. 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 [WAC 392-190-065](#) or [WAC 392-190-005](#). Complaints may be submitted by mail, fax, e-mail or hand-delivery to the District, school or 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.
- C. **"Respondent"** means 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. 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 grievance under this policy and procedure and from retaliating against an individual for filing such a grievance. To this end, specific steps shall be taken:

A. Informal Process for Resolution

Anyone with an allegation of discrimination may request an informal meeting with the compliance officer or designated employee to resolve their concerns. Such a meeting will be at the option of the complainant. If unable to resolve the issue at this meeting, or if the complainant chooses not to pursue this informal process, the complainant may submit a written complaint to the compliance officer. During the course of the informal process, the District must notify complainant of their right to file a formal complaint.

B. Formal Process for Resolution Level One: Complaint to District

The complaint must set forth the specific acts, conditions or circumstances alleged to be in violation. Upon receipt of a complaint, the compliance officer will provide the complainant a copy of this procedure. The compliance officer will investigate the allegations within thirty (30) calendar days. The

District and complainant may agree to resolve the complaint in lieu of an investigation. If the complaint is resolved to the satisfaction of the parties involved, no further action is necessary under this procedure. Otherwise, the compliance officer shall 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 thirty (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 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 the superintendent of public instruction.

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.

Any 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 unless otherwise agreed to by the complainant. In the event of student misconduct, such corrective measures may include those described in Policy 3241, Classroom Management, Discipline and Corrective Action (e.g. participation in a restorative justice process, in-house suspension, suspension, etc.).

Level Two – Appeal to the Board of Directors

If a complainant disagrees with the superintendent's or designee's written decision, the complainant may appeal the decision to the District's board of directors by filing 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 shall conduct a hearing at which both the complainant and the District shall be allowed to present such witnesses and testimony as the board deems relevant and material. Unless otherwise agreed to by the complainant, the board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision will include notice of the complainant's right to appeal to the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The District will send a copy of the appeal decision to the office of the superintendent of public instruction.

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 the superintendent of public instruction.

1. A complaint must be received by the Superintendent of Public Instruction on or before the twentieth (20th) calendar day following the date upon which the complainant received written notice of the board of directors' decision, unless the Superintendent of Public Instruction 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 subject to the complaint; 4) A copy of the District's complaint and appeal decision, if any; 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.
3. Upon receipt of a complaint, the Office of the Superintendent of Public Instruction 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. Following the investigation, OSPI will make an independent determination as to whether the District has failed to comply with [RCW 28A.642.010](#) or [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 it has identified. The written decision will include corrective actions deemed necessary to correct noncompliance and any documentation the District must provide to demonstrate that corrective action has been completed.

All corrective actions required by OSPI 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 complainant or District voluntarily agrees to resolve the complaint. OSPI may provide technical assistance and dispute resolution methods to resolve a complaint.

Level Four - Administrative Hearing

A complainant or school District that desires to appeal the written decision of the Office of the Superintendent of Public Instruction may file a written notice of appeal with OSPI within thirty (30) calendar days following the date of receipt of that office's written decision. OSPI will conduct a formal administrative hearing in conformance with the Administrative Procedures Act, [Chapter 34.05 RCW](#).

Notices to Complainant

All notices and decisions to the complainant under this formal process for resolution will be provided in a language the complainant can understand and may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964.

C. Mediation

At any time during the discrimination complaint procedure set forth in herein, the 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 he or she is paid to 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.

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, shall be retained in the office of the compliance officer for a period of six (6) years.

Title IX Committee

The superintendent will appoint a Title IX Committee to oversee the District's Title IX plan. The Title IX compliance officer will chair the committee and schedule and conduct two or three meetings annually. The superintendent will present a Title IX Compliance Report to the board at least every three (3) years.

Publication of Nondiscrimination Statement and Procedures

Any publication that the District disseminates on an annual or continuing basis shall include a statement of nondiscrimination consistent with Policy 3210, along with a statement that the District provides equal access to the Boy Scouts of America and other designated youth groups.

Students, parents, employees and volunteers should be informed of the complaint procedures herein, including the identities of the Title IX, and Nondiscrimination officers and the Section 504 coordinator, on a regular basis (e.g., student and staff handbooks; posters; brochures).

Adopted: 07/08/76

Revised: 12/05/09, 11/15/10, 02/15/11, 05/04/12, 10/24/13, 02/24/15, 06/06/17