

***Mercer Island
School District No. 400***



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

2023-2027

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INTRODUCTION

The Mercer Island School District (“District”) provides equal employment opportunities to its staff and to applicants for District positions. 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 & Inclusion (Affirmative Action Plan) (hereinafter, “Plan”) was created to advance, monitor, and maintain the District’s Nondiscrimination and Affirmative Action Policy. This Plan is designed to guide the District’s outreach and recruitment methods for the years 2023-2027. Although intended to guide 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 percent availability in the labor force based on ethnicity/race. Similarly, the basis for the 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 opportunities without preferential treatment on the basis of gender and minority status, e.g. race, ethnicity, or national origin. Throughout the Plan, the term “minority” is used to refer to the following groups captured in referenced racial/ethnic data: American Indian/Alaskan Native, Asian, Black/African American, Hispanic/Latino of any race(s), Native Hawaiian/Other Pacific Islander, Two or More Races, and White.

The term “minority” is used in this Plan instead of the District’s more commonly used term, person/people of color (“POC”), in an effort to align the Plan with the terms used in the comparison data. The race/ethnicity categories used to align with that reflected in the available comparison data.

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,

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.

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 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 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.

THE PLAN'S PURPOSE

This 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 identify 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 information on 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, the Executive Director of HR, 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 racial/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. The 4/5, or 80%, rule was used to identify cases of underutilization (*see* Appendix A for an explanation of the 4/5 rule).

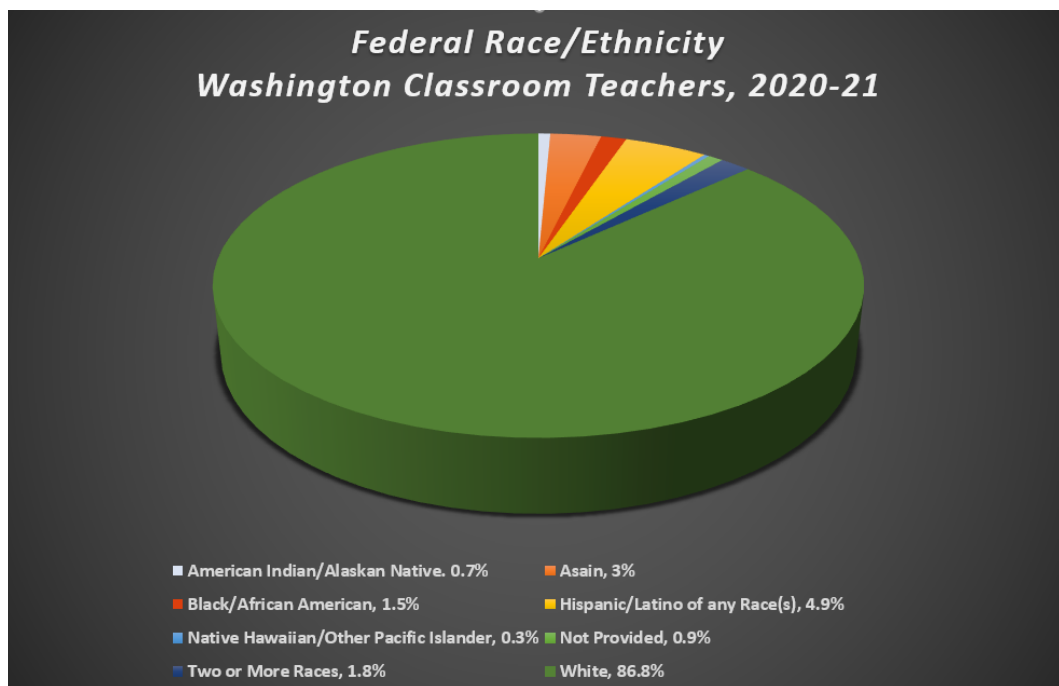
In establishing comparison figures representing the available workforce, the District used data from the [2014-2018 EEO Census Data for King County](#) and the [2020-21 Washington Office of Superintendent of Public Instruction's \(OSPI's\) Classroom Teacher Demographics](#). This data reflects the most current comprehensive data available to the District.

When comparing the District's progress to prior years, it is important to note that the comparison data available when the Plan was first created was more granular and K-12 education-specific than the data available today. In 2017, the District used an OSPI report entitled, "OSPI Personnel by Major Position and Gender, Race/Ethnicity for School Year 2015-2016 for Washington State" as well as the "[2006-2010 EEO Custom Tabulation](#)" created by the Census Bureau, using 2006-2010 King Count census data.

The more current K-12 OSPI-provided demographic data available now is state-wide and is limited to K-12 certificated teaching staff. OSPI no longer provides demographic information for more narrow categories like certificated and classified administrators, classified educational support, elementary and secondary teachers, etc.

Because of the lack of OSPI-provided data about several employee "job groups" identified in the 2017 Plan, this Plan relies more heavily on the [2014-2018 EEO Census Data for King County](#). Using the current EEO data also creates challenges when comparing detailed occupation data between this and the 2017 Plan. This is because there were major changes between the occupation code lists used in the [2014-2018 EEO Census Data for King County](#) and the [2006-2010 EEO Custom Tabulation](#) used by the District for the 2017 Plan.

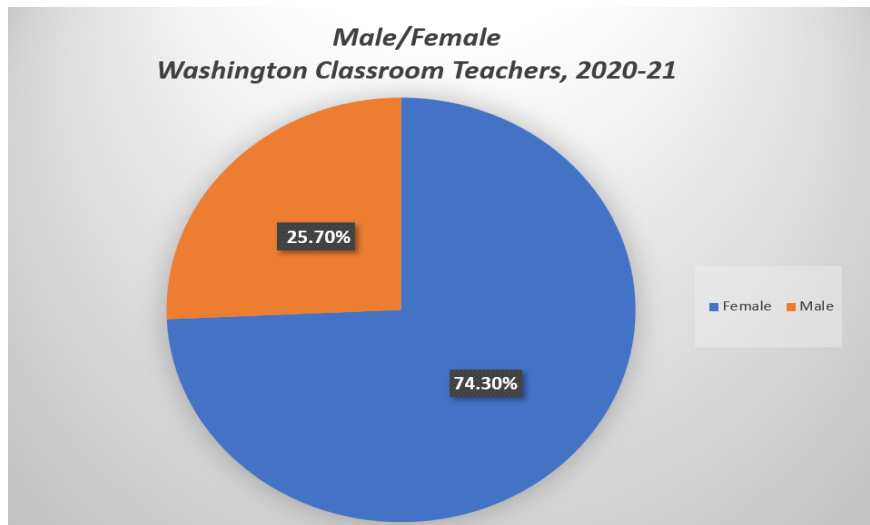
Table 1: 2020-21 OSPI Washington Classroom Teacher* Race/Ethnicity Demographics



* The above graph reflects the OSPI Washington State data on Federal/Race Ethnicity of "Classroom Teachers" which includes all classroom teachers and non-administrative certificated staff other than library, Educational

Staff Associates (ESA), and other certificated staff captured in the specialist data.

Table 2: 2020-21 OSPI Washington Classroom Teacher* Male/Female



** The above graph reflects the OSPI-provided percentage of male and female “Classroom Teachers”. Classroom Teachers includes all classroom teachers and non-administrative certificated staff other than library, Educational Staff Associates (ESA), and other certificated staff captured in the specialist data.*

Table 3: Employment Pool Availability - Ethnic/Racial Minorities and Women

| Job Group | 2017 Data Source | 2022 Data Source | 2017 Minority Availability | 2022 Minority Availability | 2017 Female Availability | 2022 Female Availability |
|-----------------------------------------------------------------|-------------------------|-------------------------------------|-----------------------------------|-----------------------------------|---------------------------------|---------------------------------|
| Certificated Administrators (District & Buildings) | OSPI - WA | Census EEO King County ³ | 11.76% | 23.50% | 50.36% | 70.40% |
| Classified Administrators, Professionals & Technical | EEO King County | Census EEO King County ³ | 20% | 23.50% | 48.4% | 70.40% |
| Elementary Teachers, including SPED | OSPI - WA | OSPI-WA ⁴ | 10.82% | 12.20% | 86.53% | 74.30% |
| Secondary Teachers, including SPED | OSPI - WA | OSPI-WA ⁴ | 9.53% | 12.20% | 54.83% | 74.30% |
| Certificated Specialists (Psyches, SLPs, Nurses, etc.) | OSPI - WA | Census EEO King County ⁵ | 10.98% | 42.91% | 84.24% | 78.80% |
| Classified Educational Support (paraprofessionals) | EEO King County | Census EEO King County | 35.10% | 29.40% | 59.1% | 83.90% |
| Clerical Support | EEO King County | Census EEO King County ⁶ | 27.5% | 32.90% | 72.3% | 91.80% |
| Custodial & Grounds | EEO King County | Census EEO King County ⁷ | 31.6% | 54.70% | 16.6% | 51.60% |
| Bus Drivers | EEO King County | Census EEO King County | 34.4% | 35.00% | 41% | 39.60% |
| Maintenance | EEO King County | Census EEO King County | 34.3% | 29.90% | 7% | 7.40% |

³ As mentioned above, OSPI no longer provides detailed job group data. As such, the comparison data for Certificated and Classified Administrators are drawn from the 2014-2018 EEO Census Data for King County. The EEO groups education administrators with childcare administrators. It is assumed combining these job groups has resulted in a much higher percentage of female availability than was reflected in the K-12 specific data.

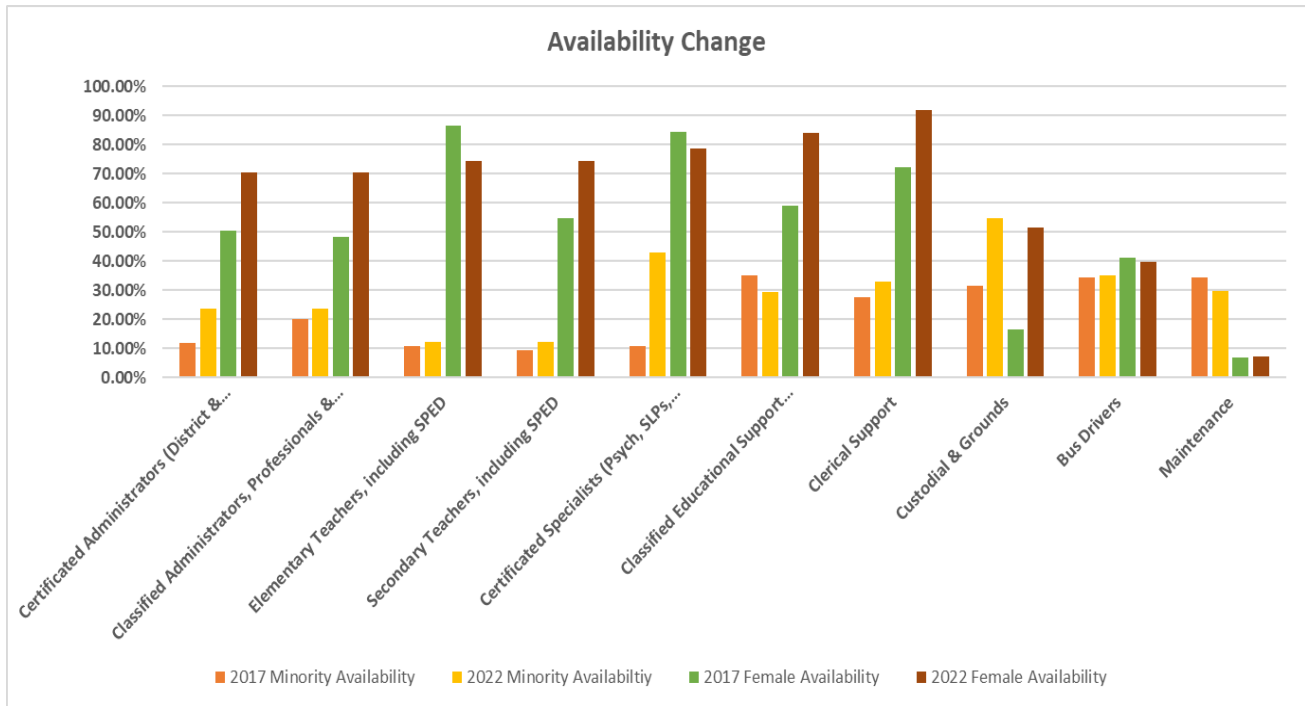
⁴ OPSI's Washington State Classroom Teacher Demographics table does not disaggregate between levels or type of certificate held. For the sake of continuity with the 2017 Plan, the District is maintaining the distinction between elementary and secondary teachers. The Federal Race/Ethnicity reported reflects a 0.9% "not provided".

⁵ OSPI no longer provides K-12 specialist data. Accordingly, the comparison data is drawn from the 2014-2018 EEO Census Data for King County. The comparison data reflects the combined census data for occupational therapists (OTs), physical therapists (PTs), nurses (RNs and LPNs), school counselors, speech language pathologists (SLPs), and psychologists.

⁶ In 2017, the job category "Clerical Support" included administrative assistants and secretaries as well as stock clerks, insurance claims and policy processing clerks, mail clerks and mail machine operators, office clerks, office machine operators (except computers), and statistical assistance personnel. The 2014-2018 EEO Census Data for King County data includes secretaries and administrative assistants. The exclusion of the other job functions has increased the female availability in this category. This is presumably because some of the job functions previously included, such as office machine operator and stock clerk, are, in King County, more commonly filled with males.

⁷ In 2017, the data used for comparison reflected building cleaning/janitorial data. The 2014-2018 EEO Census Data for King County adds maids and housekeeping cleaners to building cleaning/janitorial data. This combining of job groups is believed to be the cause of the large upward shift in the availability of females and minorities in the Custodial & Grounds job group.

Table 4: Graphical Representation of Employment Pool Availability Change



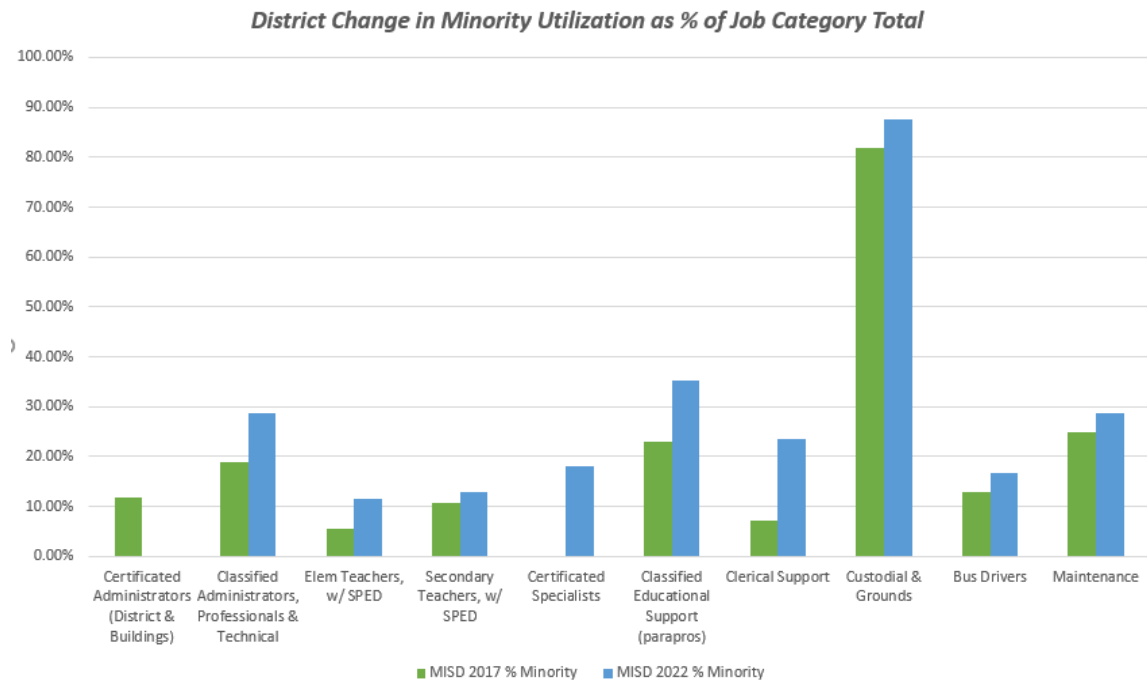
As noted in the footnotes to Table 2 and seen above, there are significant changes in the employment pool availability for certain job groups between the 2017 Plan and this Plan. This is attributable to changes in the available comparison data.

Table 5: District 2022 Utilization Analysis – Females

| Job Group | 2017 Total Females | 2022 Total Females | 2017 Total Emp. | 2022 Total Emp. | 2017 % Female | 2022 % Female | 2022 Female Avail. | 2017 Under Utilized ? | 2022 Under Utilized ? |
|------------------------------------------------------|-----------------------------------|-----------------------------------|--------------------------------|--------------------------------|------------------------------|------------------------------|-----------------------------------|------------------------------------------|------------------------------------------|
| Certificated Administrators (District & Buildings) | 12 | 10 | 17 | 16 | 70.59% | 62.50% | 70.4% | No | No |
| Classified Administrators, Professionals & Technical | 9 | 9 | 16 | 14 | 56.25% | 64.29% | 70.4% | No | No |
| Elementary Teachers, including SPED | 115 | 103 | 125 | 114 | 92.00% | 90.35% | 74.35% | No | No |
| Secondary Teachers, including SPED | 99 | 100 | 148 | 148 | 66.89% | 67.57% | 74.35% | No | No |
| Specialists | 31 | 28 | 32 | 33 | 96.88% | 84.85% | 78.80% | No | No |
| Classified Educational Support (parapros) | 78 | 87 | 91 | 116 | 85.71% | 75.00% | 83.90% | No | No |
| Clerical Support | 17 | 30 | 28 | 34 | 100% | 88.24% | 91.80% | No | No |
| Custodial & Grounds | 0 | 0 | 22 | 24 | 0% | 0% | 51.60% | Yes | Yes |
| Bus Drivers | 4 | 3 | 31 | 24 | 12.9% | 12.50% | 39.60% | Yes | Yes |
| Maintenance | 0 | 0 | 8 | 7 | 0% | 0% | 7.40% | Yes | Yes |

Table 6: District 2022 Utilization Analysis – Minorities

| Job Group | 2017 Total Minority | 2022 Total Minority | 2017 Total Emp. | 2022 Total Emp. | 2017 % Minority | 2022 % Minority | 2017 Student Pop. | 2022 Student Pop | 2017 Avail. | 2022 Avail. | 2017 Under utilized ? | 2022 Under utilized ? |
|------------------------------------------------------|------------------------------------|------------------------------------|--------------------------------|--------------------------------|--------------------------------|--------------------------------|----------------------------------|---------------------------------|------------------------|------------------------|------------------------------------------|------------------------------------------|
| Certificated Administrators (District & Buildings) | 2 | 0 | 17 | 16 | 11.76% | 0 | 36.03% | 48.80% | 11.34% | 23.50% | No | Yes |
| Classified Administrators, Professionals & Technical | 3 | 4 | 16 | 14 | 18.75% | 28.57% | 36.03% | 48.80% | 20% | 23.5 %0 | No | No |
| Elem Teachers, w/ SPED | 7 | 13 | 125 | 114 | 5.6% | 11.40% | 36.03% | 48.80% | 10.82% | 12.20% | Yes | No |
| Secondary Teachers, w/ SPED | 16 | 19 | 148 | 148 | 10.81% | 12.84% | 36.03% | 48.80% | 9.53% | 12.20% | No | No |
| Certificated Specialists | 0 | 6 | 32 | 33 | 0% | 18.18% | 36.03% | 48.80% | 10.98% | 42.91% | Yes | Yes |
| Classified Educational Support (parapros) | 21 | 41 | 91 | 116 | 23.08% | 35.34% | 36.03% | 48.80% | 35.10% | 29.40% | Yes | No |
| Clerical Support | 2 | 8 | 28 | 34 | 7.14% | 23.53% | 36.03% | 48.80% | 27.5% | 32.90% | Yes | Yes |
| Custodial & Grounds | 18 | 21 | 22 | 24 | 81.82% | 87.50% | 36.03% | 48.80% | 31.6% | 54.70% | No | No |
| Bus Drivers | 4 | 4 | 31 | 24 | 12.9% | 16.67% | 36.03% | 48.80% | 34.4% | 35.00% | Yes | Yes |
| Maintenance | 2 | 2 | 8 | 7 | 25.00% | 28.57% | 36.03% | 48.80% | 34.3% | 29.90% | Yes | No |



GOALS

This Plan's goals are designed to address differences in the utilization rate of women and racial/ethnic minorities in the District as compared with each group's availability in a reasonable recruitment area. A goal is established when the utilization analysis reveals 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. To determine possible underutilization, the percentage of protected class employees in a particular job category is compared to the percentage of the available protected class members in that job category in the available workforce. Using the 4/5's or 80% rule, the District is found to be underutilizing that minority group if the percentage is below 80% of the available workforce percentage.

Where underutilization is identified, the long-range goal is to eliminate the underutilization. When this is accomplished, it no longer remains a goal. An annual utilization review for the various job categories will be the basis for 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 are utilized. However, this is the only category in which the District has decreased its utilization of minorities such that minorities are now underutilized. This underutilization results from a net loss of two minority certificated administrators. Within the next four years, the District's hiring goal for this group will be to hire qualified female candidates that maintain this utilization. In order to once again achieve utilization of minorities, the District would need to hire three minority candidates to reflect the available population.
- **Classified Administrators/Professionals/Technical:** As in 2017, 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 and minorities are utilized. This reflects an improvement in minority utilization. Within the next four years, the District's hiring goal for this job group will be to hire qualified female and minority candidates that maintain this utilization.
- **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

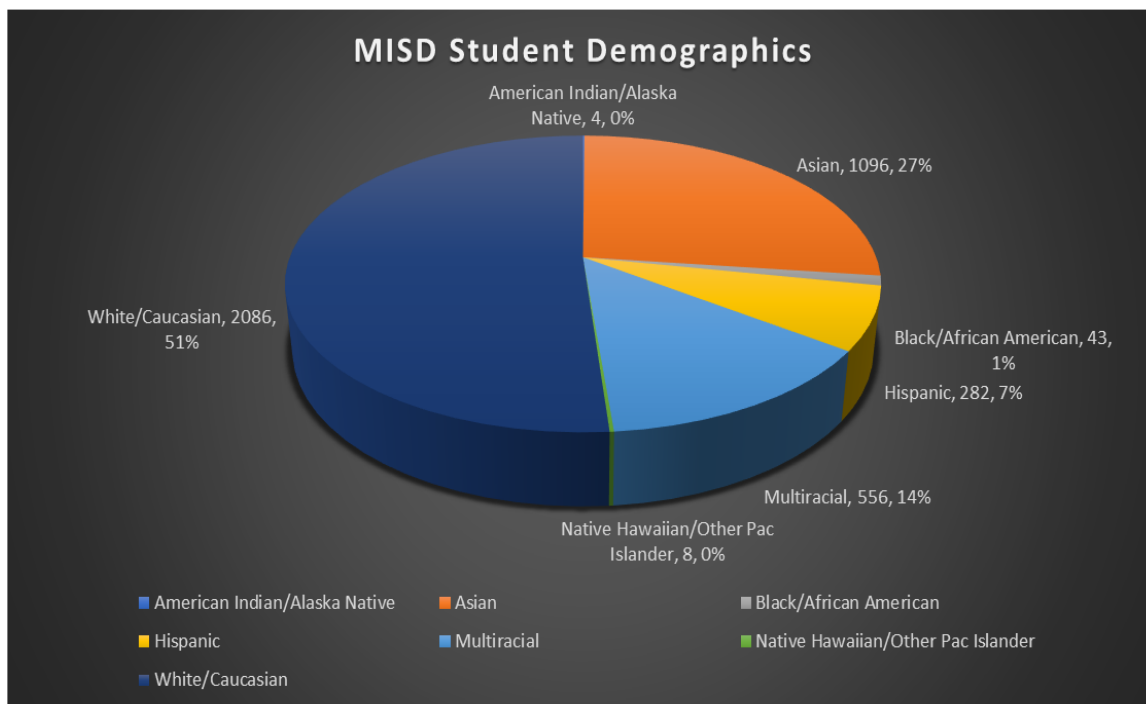
group will be to hire qualified candidates that maintain this utilization.

- **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 as this category is underutilized. The District would need to hire six minority candidates to reflect the available population.
- **Classified Educational Support:** The District finds that within this job group, females and minorities are utilized. This reflects an achievement of utilization of minorities. Within the next four years, the District's hiring goal for this group will be to hire qualified candidates such that utilization is maintained.
- **Clerical Support:** Females continue to be fully utilized in this job group. Despite just over a threefold increase in minority utilization, minorities are underutilized in this job group. 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 three 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 ten female candidates to reflect the available population. As noted above, the comparison data folded into the job category many more jobs, including maids. This increased the female availability and, in turn, the number of females the District needs to hire to reach utilizations. Minorities are fully utilized in this job category.
- **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 four female candidates and three 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 candidates. We would need to hire one female candidate to reflect the available population. The District is fully utilizing the available minority 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. Throughout its recruitment efforts, the District will remain cognizant of the District's student demographics. In doing this and ideally increasing the utilization of minorities in the various job categories, the District hopes to provide its students with the many academic and social-emotional benefits created by racially and ethnically diverse school staff.

As of November 2022, the District Student demographics are reflected as shown below:



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. The District will continue to identify key groups, organizations, and publications that are more likely to reach diverse audiences. The District will work to expand recruitment areas to include more minority communities (college job fairs, Historically Black Colleges and Universities, Native American Colleges, etc.).

The District will strive to build relationships with local colleges, universities, and trade schools to identify and connect with students of color from various departments where gaps in its utilization exist. At these schools, the District's human resources department will continue to connect with college student groups such as racial/ethnic student unions/associations, to share information about working for the District. Knowing that the available minority certificated population is not well aligned with our student population, the District will try to foster an understanding of and hopefully a passion for teaching by creating opportunities for current MISD students to serve as teaching assistants. The District will also continue to support student-teaching opportunities so that we not only support the development of the student teachers but also demonstrate to our students that young people are actively looking to join the teaching profession.

Additionally, the District will target veterans' job fairs organized by WorkSource when it has or anticipates having job openings. When the District has an opening in its maintenance department, the District will look to attend the Women in Trades Fair organized by the Washington Women in Trade.

In addition to the above, the District will continue to leverage social media to expand the reach of its job postings in an effort to attract diverse talent to the workforce. The District will also try to place advertisements in Latin publications in areas of south-central and eastern Washington, to attract Hispanic candidates, and in the Northwest Asian Weekly and similar Asian publications in other areas where appropriate.

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 continue to 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 implicit bias. A careful review will continue to be made of all job descriptions to remove non-job-related requirements for employment or advancement.

Retention Strategies

Retention is critical to the District's ability to serve its students and to create and then maintain 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 continue to gather data via exit interviews.

Also, the District will continue to provide learning opportunities for its staff. It will also offer advancement opportunities without regard to a protected status. The District will likewise make no differentiation in the assignment of school duties on the basis of any protected status, except where there is a compelling need for a lawful, bona fide occupational qualification based on the nature of the duties (e.g. a gender-based qualification for an assignment that involves supervising students in areas or situations in which students might be disrobed).

As evidenced by its increased utilization of minorities in its certificated staff population, the District will continue to support a “grow your own”/alternative pathways to certificate programs for paraeducators to become certificated teachers.

DISSEMINATION OF POLICY

It is the responsibility of the District’s Superintendent, 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 District’s Workforce Diversification & Inclusion Plan (Affirmative Action Plan) will be accomplished as follows:

- A. Copies of the 2023-27 Plan will be distributed to all pertinent organizations, agencies, and people within the District and outside of it as follows:
 - i) Board of Directors
 - ii) All Administrators (Certificated and Classified)
 - iii) All District work sites
 - iv) All Employee Associations
 - v) District Website
 - vi) Any employee, upon request
 - vii) OSPI
- 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 Dr. Fred Rundle, Superintendent. Upon the Plan’s adoption, 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 Plan. All employees are responsible for the success of the Plan.

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 an Affirmative Action Plan is to include persons of identified underutilized classes in 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 opportunities 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.

RESPONSIBILITY FOR IMPLEMENTATION

The Superintendent of the District has the ultimate responsibility for developing, implementing, coordinating, and monitoring the Plan. The Superintendent has delegated to the Executive Director and Director of Human Resources the responsibility for identifying problem areas and recommendations or directives for solving identified problems. Questions regarding affirmative action should be directed to Human Resources, Mercer Island School District, 4160 86th Ave

SE, Mercer Island, Washington 98040, (206) 230-6336.

REDUCTION IN FORCE

Reduction in staff will be made in accordance with applicable law and with collective bargaining agreements currently in force. Seniority within the appropriate job group is the principal factor determining retention.

If a reduction in force (RIF) is necessary, the District will make reductions consistent with the applicable collective bargaining agreements but while bearing in mind its commitment to equal employment opportunity while complying. The District acknowledges that in a RIF, progress toward full utilization of minorities or females may be adversely impacted because newly hired staff contributing to utilization are likely to be laid off during a RIF.

SUMMARY OF UTILIZATION ANALYSIS AND GOALS

The analysis of the Plan data indicates that four 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 6 below, reflects a summary of the 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 6: Summary of Goals

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

NONDISCRIMINATION AND AFFIRMATIVE ACTION POLICY

Mercer Island School District Nondiscrimination & Affirmative Action 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 workforce 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 undertaking 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 relation 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 |

Dr. Fred Rundle,
Superintendent

Maggie Tai Tucker,
President, Board of Directors





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 |
| Administrators | | | |
| 45 | 11 | 12,324 | 6,801 |

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

$$6,801/12,324 = 55.19\%$$

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

$$11/45 = 24.44\%$$

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

$$55.19 \times .8 = 44.15\%$$

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 24.44% 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

$$4,806/16,379 = 29.34\%$$

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

$$43/121 = 35.53\%$$

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

$$29.34 \times .8 = 23.47\%$$

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

Appendix C: Relevant Laws

- Title VII of the Civil Rights Act of 1964, which prohibits discrimination based on race, sex, color, religion, and national origin.
- Executive Order 11246, Equal Employment Opportunity, as amended, forbids employment discrimination based on race, color, religion, sex, or national origin by federal contractors and subcontractors and requires them to develop affirmative action plans and to take positive steps to eliminate employment bias.
- Age Discrimination in Employment Act of 1967, which prohibits discrimination against employees and applicants who are over 40 years of age.
- The Vocational Rehabilitation Act of 1973, requires federal contractors to take affirmative action to employ and promote qualified handicapped persons (Section 503) and prohibits discrimination against handicapped persons in any program or activity receiving federal financial assistance (Section 504).
- Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, requires employers to take affirmative action to employ and advance disabled veterans and qualified veterans of the Vietnam era.
- The Americans with Disabilities Act of 1990 (ADA), protects qualified individuals with disabilities. The Act requires employers to make reasonable accommodations to facilitate the employment of disabled individuals unless the employer can show the accommodation would impose an undue hardship on the operation of business.
- The Civil Rights Act of 1991, which expands the scope of relevant civil rights statutes to provide adequate protection to victims of discrimination and provides appropriate remedies for intentional discrimination and unlawful harassment in the workplace
- Title IX of the Education Amendments of 1972 - Prohibits sex discrimination against students and employees in educational institutions receiving federal financial assistance.
- Washington State Law Against Discrimination, RCW49.60 - Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, age or the presence of any sensory, mental or physical handicap in employment, credit, public accommodations, and publicly assisted housing.
- Washington Administrative Code, WAC 392-190 - Prohibits sex discrimination by public schools (K-12).
- Washington Administrative Code, WAC 392-190-0592 - Requires public school districts to establish and implement Affirmative Action Employment Policies and Programs