



Bellingham Public Schools

Affirmative Action Plan

2025-2030

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I. Introduction and Purpose

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

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

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

This plan is also designed to ensure that the district's policies are properly implemented without unlawful discrimination. The district's Nondiscrimination and Affirmative Action Policy 5010 and Procedure 5010P are provided in Attachments A and B and are available online in the district's policy and procedures manual.

The Affirmative Action Plan presented here is designed for the years 2025-2030. Although the plan covers a five-year period, we recognize that, to be effective, it will benefit from continuous evaluation and revision to correct disparities in the utilization of employees where it may exist in Bellingham Public Schools workforce. Modifications due to decisions by state and federal courts will also be considered.

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

II. Dissemination of Policies and Procedures

1. Internal Communication

- The district's policies and procedures regarding nondiscrimination and affirmative action are contained in the district policy and procedures manual, available on the Bellingham Public Schools website.
- The policies and procedures are discussed in new employee inductions, orientations and trainings.
- This Affirmative Action Plan will be posted on the Bellingham Public Schools district website.
- Copies of the Affirmative Action Plan are distributed to the Board of Directors, all administrators, each building location, the shop steward and/or president of each bargaining unit and any employee upon request.

2. External Communication

- Bellingham Public Schools' website includes the district's Affirmative Action Plan. The home page address is: bellingshamschools.org
- Recruitment letters to employment placement offices include a statement of reference to the district's affirmative action commitment.
- Advertisements for positions contain the statement, "Equal Opportunity Employer."
- Forms used for application for employment contain an equal employment opportunity statement.
- Compliance with the district's equal employment opportunity policy will be requested of contractors, vendors and suppliers through a statement on purchase orders and contracts. Contractors may be required, under certain federally funded programs, to demonstrate specific affirmative action measures.

III. Responsibility for Implementation and Evaluation

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

The Assistant Superintendent of Human Resources is designated as the Affirmative Action Officer and is responsible to the Superintendent for district compliance with the principles set forth in the Affirmative Action Plan. The responsibilities of the Affirmative Action Officer will be to:

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

The Affirmative Action Officer is:

Matt Whitten, Assistant Superintendent of Human Resources
Bellingham Public Schools
1985 Barkley Blvd.
Bellingham, WA 98226
(360) 647-6811

IV. Utilization Analysis and Underutilization Identification

Development of Analysis

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

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

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

A utilization analysis was conducted using the October 1, 2024 Bellingham Public Schools employment statistics as reported to the Office of Superintendent of Public Instruction (OSPI) in report S-275. Once summarized, these statistics were compared to the relevant labor force. The data used to calculate each factor came from the 2018 Census data for Whatcom County and Washington State.

After the theoretical labor force availability was determined for women and minorities in each job group, the statistic was reduced by 20% to arrive at the statistically expected utilization (SEU). Consistent with commonly accepted practice, a figure of 80% of the theoretical availability was used in determining

whether women or minorities are "underutilized" because pure chance may account for utilization that is 20% less than the theoretical availability.

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

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

Please see Attachment E to view progress made toward minority utilization goals set during the previous 2019-2024 Affirmative Action Plan.

V. Analysis of Utilization Statistics

The analysis indicates that women are statistically underutilized in the category of transportation. Minorities are underutilized in the category of teachers and instructional support personnel.

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

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

1. **Certificated Administrators:** Availability of women in this category is 65.9%, expected utilization is 52.72%, and current utilization is 64.15% so no goals are necessary in this area. Minority availability in this category is 13.99%, expected utilization is 11.19%, and current utilization is 11.32% so no goals are necessary in this area.
2. **Teachers and Instructional Support Personnel:** Availability of women in this category is 73.29%, expected utilization is 58.63% and current utilization is 75.00% so no goals are necessary in this area. Minority availability in this category is 14.10%, expected utilization is 11.28% and current utilization is 9.67%. Since 2018 the district exceeded its 2019-2024 affirmative action goal of 8.55% minority utilization. Despite increasing its minority percentages by 3.1% from 2019 to 2024 and exceeding the defined goal, the district remains underutilized in this category. Within the next 3-5 years, the district's goal is to increase its minority utilization by 3% to a total utilization percent of 12.67% (25 employees) through the following recruitment, hiring and retention strategies:
 - The district will maintain and increase certificated recruiting efforts through use of a variety of regional and national strategies. The district will use online and traditional posting and advertising opportunities in colleges, universities and professional organizations that have current teacher training programs and a record of educating and supporting minorities in teacher training and instructional support programs.

- Target news publications and web-based posting options in venues connected with ethnically diverse candidates and district and community-based job fairs. Collaborate and participate with other public and community agencies to share ideas regarding ways to attract and retain a diverse workforce.
- Host job fairs in-district and at community facilities to attract diverse candidates.
- Student teaching agreements between the district and universities.
- Maintain a strong teacher-mentor program and employee resource groups.
- Partner with Western Washington University and other universities with programs that allow minority paraeducators to continue working while earning their teaching certification.
- Partner with Western Washington University and Whatcom Community College to sponsor high school programs for minority students who are considering the teaching profession.
- Foster bias-free screening and hiring processes and make sure qualified minority candidates receive consideration for positions.
- Provide training to existing staff to ensure personal, cultural and institutional biases do not interfere with the screening, interviewing and hiring of diverse candidates.

3. **Classified Administrators/Managers/Supervisors:** Availability of women in this category is 53.07%, expected utilization is 42.46%, and current utilization is 54.55% so no goals are necessary in this area. Minority availability in this category is 23.40%, expected utilization is 18.72% and current utilization is 21.21% so no goals are necessary in this area.

4. **Instructional Support, Coordinators, Accounting and Technology:** Availability of women in this category is 65.04%, expected utilization is 52.03% and current utilization is 65.85% so no goals are necessary in this area. Minority availability in this category is 11.28%, expected utilization is 9.03% and current utilization is 29.27% so no goals are necessary in this area.

5. **Executive Administrative Assistants, Administrative Assistants, Paraeducators, Accounting and Educational Support:** Availability of women in this category is 90.22%, expected utilization is 72.17% and current utilization is 83.61% so no goals are necessary in this area. Minority availability in this category is 6.67%, expected utilization is 5.33% and current utilization is 17.65% so no goals are necessary in this area.

6. **Custodial/Maintenance:** Availability of women in this category is 27.19%, expected utilization is 21.75% and current utilization is 26.67% so no goals are necessary in this area. Minority availability in this category is 22.64%, expected utilization is 18.11% and current utilization is 25.56% so no goals are necessary in this area.
7. **Food Service:** Availability of women in this category is 51.90%, expected utilization is 41.52% and current utilization is 93.10% so no goals are necessary in this area. Minority availability in this category is 27.57%, expected utilization is 22.05% and current utilization is 29.31% so no goals are necessary in this area.
8. **Transportation:** Availability of women in this category is 51.90%, expected utilization is 41.52% and current utilization is 40.85%. The district underutilized females in this area by 0.67%. By 2030 the district's goal is to increase its utilization of females by 4.23% (one employee) through its recruiting strategies including community banners, school reader boards, advertising in the local newspaper and/or radio stations, attending local job fairs and holding job fairs at the transportation office. Minority availability in this category is 10.38%, expected utilization is 8.30% and current utilization is 21.13% so no goals are necessary in this area.

VI. Supportive Systems

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

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

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

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

1. The Bellingham Promise

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

2. Job Descriptions

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

3. Recruiting

The district will:

- continue to use recruitment sources and procedures that will ensure qualified, protected-class applicants are identified and recruited.
- increase community outreach to inform underrepresented groups (minorities) who could be potential applicants about district employment opportunities.
- target posting options in venues connected with ethnically diverse candidates, district and community-based "job fairs," and active participation with other public and community agencies on diversity and affirmative action issues will be used to increase the diversity of the applicant pool.
- review job postings to ensure they include statements regarding the district's commitment to providing a culturally competent work environment and value of a diverse workforce that is reflective of our school community.

4. Employee Selection

The district will:

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

5. Orientation and Induction

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

6. **Evaluation**

The district will:

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

7. **Complaint Procedure**

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

VII. Internal Audit and Reporting

A goal of this plan is to improve dissemination of recruiting information about career opportunities with Bellingham Public Schools. The computer-based applicant tracking system which records gender, veteran and minority status has been utilized for frequent monitoring of job applicants to ensure that all classes of applicants are receiving equal treatment in the hiring process and that the district's recruiting efforts are reaching protected groups.

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

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

VIII. Reduction in Force (RIF)

The district will make reductions in staff in accordance with applicable law and with collective bargaining agreements currently in force. If a reduction-in-force is necessary, consistent with its legal and contractual obligations, the district will attempt to make reductions in force bearing in mind its affirmative action commitment.

Attachment A

Nondiscrimination and Affirmative Action Policy 5010

Nondiscrimination

Bellingham Public Schools is committed to an educational and working environment free from discrimination and harassment as described in this policy. This policy and accompanying procedure prohibits discrimination and harassment of any staff member, volunteers and contractors who work on behalf of the district.

Equal Employment Opportunity

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

Discriminatory Harassment

Discriminatory harassment is unwelcome conduct that is:

1. Directed toward a person based on a protected characteristic;
2. Sufficiently severe or pervasive;
3. Unreasonably interferes with a person's work environment or ability to perform job duties; and
4. The cause of an intimidating, hostile or offensive environment.

Examples of discriminatory harassment include, but are not limited to:

- Unwelcome jokes or comments about a legally protected characteristic (e.g., racial or ethnic jokes);
- Disparaging remarks to or about a person's legally protected characteristic (e.g., negative or offensive remarks or jokes about a person's religion or religious garments);
- Displaying negative or offensive posters or pictures about a legally protected characteristic;
- Physical conduct toward a person due to that person's legally protected characteristic;
- All communications, including those conveyed electronically, such as by e-mail, telephone or voicemail, text messaging or social media or other internet use, that directly or indirectly implicates a legally protected characteristic; or
- Any other unwelcome conduct that implicated a legally protected characteristic.

In most instances, discriminatory harassment does not include supervisory or evaluative practices.

The board will designate a staff member to serve as the compliance officer.

Affirmative Action

The district, as a recipient of public funds, is committed to undertake affirmative action which will make effective equal employment opportunities for staff and applicants for employment. Such affirmative action will include a review of programs, the setting of goals and the implementation of corrective employment procedures to increase the ratio of aged, persons with disabilities, ethnic minorities, women and Vietnam veterans who are under-represented in the job classifications in relationship to the availability of such persons having requisite qualifications. Affirmative action plans may not include hiring or employment preferences based on gender or race, including color, ethnicity or national origin. Such affirmative action will also include recruitment, selection, training, education and other programs.

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

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

Employment of Persons with Disabilities

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

1. No qualified person with disabilities will, solely by reason of a disability, be subjected to discrimination and the district will not limit, segregate or classify any applicants for employment or any staff member in any way that adversely affects their opportunities or status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions and includes fringe benefits and other elements of compensation.
2. The district will make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or staff member unless it is clear that an accommodation would impose an undue hardship on the operation of the district program. Such reasonable accommodations may include:
 - a. Making facilities used by staff readily accessible and usable by persons with disabilities; and
 - b. Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters and other similar actions.

In determining whether or not accommodation would impose an undue hardship on the district, factors to be considered include the nature and cost of the accommodation.

3. The district will not use any employment tests or criteria that screen out persons with disabilities unless the test or criteria is clearly and specifically job-related. Also, the district will not use such tests or criteria if alternative tests or criteria (that do not screen out persons with disabilities) are available.
4. While the district may not make pre-employment inquiry as to whether an applicant has a disability or as to the nature and severity of any such disability, it may inquire into an applicant's ability to perform job-related functions.
5. Any staff member who believes that there has been a violation of this policy or the law prohibiting discrimination because of a disability may initiate a grievance through the procedures for staff complaints.

Nondiscrimination for Military Service

The district will not discriminate against any person who is a member of, applies to be a member or performs, has performed, applies to perform or has an obligation to perform service in a uniformed service, on the basis of that participation in a uniformed service. This includes initial employment, retention in employment, promotion or any benefit of employment. The district will also not discriminate against any person who has participated in the enforcement of these rights under state or federal law.

Adopted/Revised: 12/12/13; 08/25/15; 02/20/19; 06/04/21

Updated: 09/27/24

Superintendent or Board Approved: Superintendent Approved

Cross
References: [Policy 2030](#) – Service Animals in Schools
[Policy 5011](#) – Sex Discrimination and Sex-Based Harassment of District Staff Prohibited

Legal
References: RCW 28A.400.310 Law against discrimination applicable to districts' employment practices
RCW 28A.640.020 Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies
RCW 28A.642 Discrimination prohibition
RCW 49.60 Discrimination — Human rights commission
RCW 49.60.030 Freedom from discrimination — Declaration of civil rights
RCW 49.60.180 Unfair practices of employers
RCW 49.60.400 Discrimination, preferential treatment prohibited
RCW 73.16 Employment and Reemployment

WAC 392-190 Equal Educational Opportunity – Unlawful
Discrimination Prohibited
WAC 392-190-0592 Public school employment —
Affirmative action program
42 USC 2000e1 – 2000e10 Title VII of the Civil Rights Act of 1964
20 USC 1681 – 1688 Title IX Educational Amendments of 1972
42 USC 12101 – 12213 Americans with Disabilities Act
8 USC 1324 (IRCA) Immigration Reform and Control Act of 1986
38 USC 4301-4333 Uniformed Services Employment and
Reemployment Rights Act
29 USC 794 Vocational Rehabilitation Act of 1973
34 CFR 104 Nondiscrimination on the basis of handicap in
programs or activities receiving federal financial assistance
38 USC 4212 Vietnam Era Veterans Readjustment Act
of 1974 (VEVRAA)

Management
Resources:

2023 – July Issue
2018 – May Issue
2017 – April Issue
2014 – December Issue
2013 – June Issue
2011 – June Issue
2011 – February Issue
Policy News, August 2007 Washington’s Law Against Discrimination
Policy News, June 2001 State Updates Military Leave Rights

Attachment B

Nondiscrimination Procedure 5010P

Nondiscrimination

To ensure fairness and consistency, the following grievance procedure is to be used in the district's relationship with its staff members, volunteers or contractors who work on behalf of the district. It specifically governs employment problems covered by state and federal equal employment opportunity laws. No such person's status with the district will be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, "grievance" will mean a complaint which has been filed by a complainant relating to alleged violations of any state or federal anti-discrimination laws. A "complaint" will mean a charge alleging specific acts, conditions or circumstances which are in violation of the anti-discrimination laws. A "respondent" will mean 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 to this and the following steps will be taken:

Grievance Procedure

To ensure fairness and consistency, the following review procedures are to be used in the district's relationship with its staff members, volunteers or contractors who work on behalf of the district. These review procedures specifically govern employment problems covered by state and federal equal employment opportunity laws. No such person's status with the district will be adversely affected in any way because the person utilized these procedures.

1. Grievance means a complaint which has been filed by a staff member, volunteer or contractor relating to alleged violations of any state or federal anti-discrimination laws.
2. 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 any district, school or to the district compliance officer responsible for investigating discrimination complaints. Any district employee who receives a complaint that meets these criteria will promptly notify the compliance officer.
3. 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. To this end, specific steps will be taken. The district is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance.

A. Informal Process for Resolution

When a staff member, volunteer or contractor has an employment problem concerning equal employment opportunity, they will discuss the problem with the immediate supervisor, personnel director or superintendent within 60 days of the circumstances which gave rise to the problem. The staff member, volunteer or contractor may also ask the compliance officer to participate in the informal review procedure. It is intended that the informal discussion will resolve the issue. If the staff member, volunteer or contractor feel they cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the person may directly contact the compliance officer before pursuing formal procedures. If the discussion with the officer or immediate supervisor does not resolve the issue the person may proceed to the formal review procedures. During the course of the informal process, the district will 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 violate anti-discrimination law. 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 30 calendar days. The school district and complainant may agree to resolve the complaint in lieu of an investigation. The officer will provide the superintendent's designee with a full written report of the complaint and the results of the investigation.

The superintendent's designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the district will notify the complainant in writing 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's 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 and the necessary filing information. The superintendent designee's response 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.

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

Level Two – Appeal to the Superintendent

If a complainant disagrees with the superintendent designee's written decision, the complainant may appeal the decision to the superintendent by filing a written notice of appeal with the superintendent within ten (10) calendar days following the date upon which the complainant received the response. The superintendent shall schedule a conference to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the superintendent or for good cause. The conference shall be attended by the complainant and the superintendent's designee or at least one other representative of the district who is familiar with the allegations in the complaint. Unless otherwise agreed to by the complainant, the superintendent 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 be provided in a language the complainant can understand, which may require language assistance for complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. 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 Superintendent of Public Instruction (OSPI).

Level Three – Complaint to the Superintendent of Public Instruction

If a complainant disagrees with the decision of the superintendent, 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 (20) calendar day following the date upon which the complainant received written notice of the superintendent's 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, OSPI may initiate an investigation, which may include conducting an independent on-site review. OSPI may also investigate additional issues related to the complaint that were not included in the initial complaint or appeal to the superintendent. 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 documentation the district must provide to demonstrate that corrective action has been completed.

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

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

Level Four – Administrative Hearing

A complainant or school district that desires to appeal the written decision of OSPI 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.

C. Mediation

At any time during the discrimination complaint procedure set forth in WAC 392-190-065 through 392-190-075, a district may, at its own expense, offer mediation. The complainant and the district may agree to extend the discrimination complaint process deadlines in order to pursue mediation.

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

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

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

D. Preservation of Records

The files containing copies of all correspondence relative to each complaint communicated to the district and the disposition, including any corrective measures instituted by the district, will be retained in the office of the district compliance officer for a period of six years.

Resources

District Contact
Matt Whitten, Assistant Superintendent of Human Resources
Bellingham Public Schools

1985 Barkley Boulevard
Bellingham, WA 98226
(360) 647-6811

State Contacts

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

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

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

Adopted/Previous Revisions: 10/09/03; 10/29/13; 04/29/14; 08/25/15; 02/20/19
Updated: 09/27/24

Attachment C

Affirmative Action Utilization Analysis Total Staff as of October 2024

CATEGORY	Total Employees	Females		Minority		Veteran	
		#	%	#	%	#	%
Certificated Administrators	53	34	64.15%	6	11.32%	0	0.00%
Teachers/Instructional Support Personnel	848	636	75.00%	82	9.67%	0	0.00%
TOTAL CERTIFICATED	901	670	74.36%	88	9.77%	0	0.00%
Classified Administrators/Managers/Supervisors	33	18	54.55%	7	21.21%	0	0.00%
Instructional Support/Coordinators/Accountants/Technicians	41	27	65.85%	12	29.27%	0	0.00%
Exec. Admin Assist/Admin Assist/Paraeducator/Acting/Ed Support	476	398	83.61%	84	17.65%	1	0.21%
Custodial/Maintenance	90	24	26.67%	23	25.56%	2	2.22%
Food Service	58	54	93.10%	17	29.31%	0	0.00%
Transportation	71	29	40.85%	15	21.13%	1	1.41%
TOTAL CLASSIFIED	769	550	71.52%	158	20.55%	4	0.52%
DISTRICT TOTAL	1670	1220	73.05%	246	14.73%	4	0.24%

Attachment D

Affirmative Action Plan Availability Analysis: Women October 2024

Job Group	Total Female Employees 2024	Total Employees 2024	Percent Total Female	Availability Annual Placement Rate	Percent Female Expected*	Percent Underutilized	Goal for 2025 – 2029 Utilization Increase
Certificated Administrators	34	53	64.15%	65.9%	52.72%	N/A	N/A
Teachers/Instructional Support Personnel	636	848	75.00%	73.29%	58.63%	N/A	N/A
Classified Administrators/Managers/Supervisors	18	33	54.55%	53.07%	42.46%	N/A	N/A
Instructional Support/Coordinators/Accountants/Technicians	27	41	65.85%	65.04%	52.03%	N/A	N/A
Exec. Admin Assist/Admin Assist/Para/Accounting/Ed Support	398	476	83.61%	90.22%	72.17%	N/A	N/A
Custodial/Maintenance	24	90	26.67%	27.19%	21.75%	N/A	N/A
Food Service	54	58	93.10%	51.90%	41.52%	N/A	N/A
Transportation	29	71	40.85%	51.90%	41.52%	0.67%	Increase by 4.23% (1 employee)
Total	1220	1670	73.05%				

Washington State statistics used for rows 1-3

Whatcom County statistics used for rows 4-8

* 80% of Total Availability

Note: With the exception of transportation, there is no underutilization of women employees. Transportation female employees are underutilized by 0.67% which represents less than one employee. The district is committed to hiring and retaining a diverse workforce that is reflective of the district’s students and families. With that in mind, human resources will continue to monitor and make efforts to increase the diversity of its workforce in all job categories, including those in which women are not statistically underutilized.

Attachment E

2019-2024 Affirmative Action Plan Ethnic Minority Percentage of BSD Staff

JOB GROUPS WITH AA GOALS	ETHNIC MINORITY – Percent of BSD Staff					
	Oct. 2019	Oct. 2020	Oct. 2021	Oct. 2022	Oct. 2023	Oct. 2024
Certificated Administrators	6.90%	7.69%	9.43%	10.34%	9.09%	11.32%
Teachers/Instructional Support Personnel	6.57%	6.75%	7.62%	9.22%	9.23%	9.67%
Classified Administrators/ Managers/Supervisors	7.69%	9.38%	15.63%	17.24%	7.69%	21.21%
Instructional Support/ Coordinators/Accountants/Tech	13.89%	15.38%	15.91%	25.00%	16.13%	29.27%
Executive Admin Assist/ Admin Assist/Paraeducator/ Accounting/Ed Support	8.82%	11.73%	12.38%	14.58%	17.73%	17.65%
Custodial/Maintenance	18.82%	16.67%	16.85%	20.48%	28.57%	25.56%
Food Services	15.38%	12.96%	16.36%	17.86%	24.53%	29.31%
Transportation	8.20%	8.93%	10.42%	12.73%	20.63%	21.13%
Total	8.45%	9.05%	10.14%	12.18%	14.19%	14.73%

Attachment F

Affirmative Action Plan Availability Analysis: Minorities October 2024

Job Group	Total Minority Employees 2024	Total Employees 2024	Percent Total Minority	Availability Annual Placement Rate	Percent Minority Expected*	Percent Underutilized	Goal for 2025-2029 Utilization Increase
Certificated Administrators	6	53	11.32%	13.99%	11.19%	N/A	N/A
Teachers/Instructional Support Personnel	82	848	9.67%	14.10%	11.28%	2.82%	Increase by 3% (25 employees)
Classified Administrators Managers/Supervisors	7	33	21.21%	23.40%	18.72%	N/A	N/A
Instructional Support/Coord/Accountant/Tech	12	41	29.27%	11.28%	9.03%	N/A	N/A
Exec. Admin Assist/Admin Assist/ Para/Accounting/Ed Support	84	476	17.65%	6.67%	5.33%	N/A	N/A
Custodial/Maintenance	23	90	25.56%	22.64%	18.11%	N/A	N/A
Food Service	17	58	29.31%	27.57%	22.05%	N/A	N/A
Transportation	15	71	21.13%	10.38%	8.30%	N/A	N/A
Total	246	1670	14.73%				

Washington State statistics used for rows 1-3

Whatcom County statistics used for rows 4-8

* 80% of Total Availability

Note: Except for teachers/instructional support personnel, there is no underutilization of minority employees. Teachers/instructional support personnel are underutilized by 2.82%. However, it is worth noting our total percent of minority employees has increased each of the past five years (2018-2024). Also, the number of job groups underutilizing minority employees was reduced from four job groups to one when compared to the 2018 plan. The district is committed to hiring and retaining a diverse workforce that is reflective of the district's students and families. With that in mind, human resources will continue to monitor and make efforts to increase the diversity of its workforce in all job categories, including those in which minorities are not statistically underutilized.