

TUMWATER SCHOOL DISTRICT AFFIRMATIVE ACTION PLAN

2024-2029



TUMWATER SCHOOL DISTRICT NO. 33

**621 LINWOOD AVE. SW
OLYMPIA, WA 98512**

Board of Directors

Darby Kaikkonen, President
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Compiled and prepared by Wendy Bromley, Executive Director of Human Resources

TABLE OF CONTENTS

Affirmative Action Plan Page

Board of Directors	2
Table of Contents	3
I. Purpose	4
II. Dissemination of Policy and Plan	4
III. Responsibility for Implementation and Evaluation	5
IV. Utilization Analysis	6
V. Goals and Timetables	9
VI. Internal Auditing and Monitoring	10
VII. Supportive Systems	10
A. Job Structuring for Promotion	10
B. Recruitment, Employment, and Training	11
C. Complaint Procedure	11
D. Informal Review Procedure	12
E. Level One – Formal Review Procedure	12
F. Level Two – Appeal to Board of Directors	13
G. Level Three – Appeal to Superintendent of Public Instruction	13
VIII. Reduction in Force	14
Appendices	
A. Utilization Goals and Analysis – Females	15
B. Utilization Goals and Analysis – Minorities	16
C. Equal Employment Opportunity/Nondiscrimination Policy	17
D. Legal Basis for Nondiscrimination and Affirmative Action	21

I. PURPOSE

The Affirmative Action Plan is intended to be a comprehensive effort by the Tumwater School District (TSD) to set goals to hire members of protected classes in all employment areas; to identify any barriers in the human resources management system which may limit the ability of applicants and employees to reach their full potential, and to analyze the effectiveness of TSD's efforts in this area.

To ensure the effectiveness of this plan, continuous revision is necessary. Each year, progress will be reviewed, and new goals will be identified and revised for the following year.

II. DISSEMINATION OF POLICY AND PLAN

It is the responsibility of the superintendent of the Tumwater School District, or a designee, to inform all applicants for employment, all current employees, all persons responsible for hiring, within TSD employee associations, and all TSD contractors and subcontractors of its commitment to equal opportunity employment. Toward this end, the following activities will be initiated annually unless otherwise noted:

A. Internal Communication

1. Meet with administrators to explain the Affirmative Action Plan, including responsibilities for effective implementation, demonstrating the Board's and Superintendent's commitment.
2. Post the policy of equal employment opportunity and federal and state posters prohibiting discrimination on bulletin boards in the Human Resources Office and other building sites.
3. Publicize TSD's equal employment policy in publications of the Communications Office.
4. Maintain TSD's Affirmative Action Plan in compliance with all employee organizations. Any negotiated agreements must not contain any statements that interfere with this policy.
5. Document compliance with personnel practices, through the Human Resources Department, including an annual statistical analysis and update of employment data to measure the effectiveness of the Plan.
6. Maintain record systems that will collect, recall, and display aggregate data on District employees with respect to race and gender.
7. Continually review all job descriptions and job postings to ensure accuracy and to remove non-job-related barriers to employment.
8. Review all Affirmative Action goals relating to equal employment opportunity and review progress towards those goals with the Board of Directors.
9. Include TSD's non-discrimination policy in all employment handbooks.
10. Post the Affirmative Action Plan on TSD's website.

B. External Communication

1. On all recruitment and application materials, as well as job postings, include the equal employment policy statement.
2. To the extent possible, identify persons with the prerequisite skills and abilities for projected openings throughout TSD.
3. Notify all subcontractors, vendors, and suppliers in writing of our equal employment policy statement as appropriate.

C. Internal and External Communication

Copies of the 2024-2029 Affirmative Action Plan will be distributed to all pertinent organizations, agencies, and people within and outside TSD as follows:

1. Board of Directors
2. All administrators and supervisors
3. All schools
4. All employee associations
5. Any employee, upon request

III. RESPONSIBILITY FOR IMPLEMENTATION AND EVALUATION

The Tumwater School District Superintendent has the overall responsibility for developing, implementing, coordinating, and monitoring the Affirmative Action Plan. TSD's Affirmative Action Officer is:

Wendy Bromley
Executive Director of Human Resources
621 Linwood Ave SW
Tumwater, WA 98512
360-709-7020

The Affirmative Action Officer is charged with the responsibility of making known TSD's commitment to employ a diverse work force.

The Affirmative Action Officer is responsible for the overall coordination within TSD. The Affirmative Action Officer will advise the superintendent or the Board on equal opportunity matters as required. The officer will review the plan yearly to:

1. Ensure equal opportunity throughout TSD.
2. Monitor progress toward the goals.
3. Evaluate the plan's accomplishments.
4. Prepare memoranda to specify responsibilities as required by this plan.

IV. UTILIZATION ANALYSIS

A. Development of Analysis

The terms ‘utilization analysis’ and ‘under-utilization’ 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 herein 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 Affirmative Action Plan and has no significance outside the context of this Plan, although 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.

To determine whether goals are needed for an Affirmative Action Plan, it is first necessary to decide the percentage of females and minorities available in the workforce. This is done through an ‘availability analysis.’ The availability analysis used here is the one outlined in federal regulations for affirmative action. Currently, three factors are primarily used to determine availability:

1. Persons having requisite skills in the immediate labor area.
2. Persons having requisite skills in the area in which TSD can reasonably recruit.
3. Promotable and transferable persons in TSD's workforce and degree of training TSD can reasonably undertake.

The second step is to measure TSD’s current utilization (the percentage of females and minorities currently employed in each job group) against the statistically expected utilization rate (80% of availability rate). If current utilization is lower than the expected utilization, TSD is ‘under-utilized’ in a job group.

The eleven groups identified for tracking are Certificated Administrators, Elementary Teachers, Secondary Teachers, Instructional Support, Custodial, Paraeducators, Office Clerical, Food Service, Transportation, Maintenance, and Coaches.

After determining the job groups and number of employees in each group, availability factors applicable to each job group were identified. Each factor was weighted, and a final availability statistic was calculated. Each job group is statistically analyzed for both female and minority utilization.

The data used to calculate each factor came from a few sources. The EEOC Tabulation serves as the primary external benchmark in providing comparative labor census data for Thurston County, Washington State, and the United States, and internal district data. The 2020 Census data serves as the primary benchmark providing comparative race data for Thurston County, Washington State, the United States, and internal district data.

B. Analysis of Under-Utilization

TSD has analyzed its utilization of females and minorities relative to availability. See Appendices A and B.

The analysis indicates that females are statistically under-utilized in the Custodial, Coaches, and Certificated Administrative categories. Minorities are statistically under-utilized in Elementary and Secondary Teachers, Instructional Support, Custodial, Paraprofessionals, Food Service, Transportation, and Maintenance.

A discussion of each job group where an underutilization exists follows:

Certificated Administrators: Minority availability in this job group is 6.72%; current utilization is 10%. The District has made significant growth in this area due to concerted efforts of its Human Resources Department. District staff will continue to identify strong internal applicants and recruit minority candidates to enrich the pool of qualified minority candidates when job openings occur. The District is assessing what would make the District an attractive place of employment for minority administrators. Female availability for this group is 61%; current utilization is 50%; indicating a disparity utilization. Efforts will be made to encourage current certificated staff to consider school administration and to develop a “Grow from within” program.

Elementary and Secondary Teachers: Minority availability in the secondary teacher job group is 8.72%; current utilization is 4.7%. For elementary teachers the minority availability is 11.04%; with current utilization at 4.6%. Additional work is needed to attract and retain more minority teachers at the secondary level. To increase retention of minority teachers at all levels, the District will work to enhance connections among staff through regular quarterly meetings and other gatherings of minority teachers and to provide mentoring for new teachers. To increase hiring of minority teachers, the District will continue to attend job fairs in Washington state, have its own booth at such fairs when feasible, and be prepared to promptly extend offers to attractive candidates. In addition, the District will continue to identify minority student teachers and existing paraeducator staff who have demonstrated interest in teaching and encourage and foster their careers as teachers with the District. The District will also work with the Martinez Fellowship and undergraduate programs, such as Central Washington and Washington State University, to identify teachers who may have an interest in working for the District. Finally, the District will continue to work with the ESD Personnel Co-op to expand the pool of qualified minority candidates.

Instructional Support: Expected minority utilization in this category is 25.4%. Current availability is 31.8%, creating underutilization. This job group includes school psychologists, speech language pathologists and occupation therapists. To maintain the utilization rate, TSD will continue to focus on communicating and building relationships with university placement coordinators, attract student interns, and hire interns into hard-to-fill positions.

Custodial: Expected minority utilization in this category is 28.8%. Current utilization is 27.5%. Expected female utilization in this category is 38.4%. Current utilization is 35%. In both categories, TSD sees an underutilization that needs to be addressed through continued recruiting outreach efforts and interview as broad an applicant pool as practicable.

Paraeducators: Expected minority utilization in this category is 22.5%. Current utilization is 9.2%, indicating underutilization. TSD will continue its recruiting outreach efforts, including working with the ESD Personnel Co-Op to enrich the pool of minority candidates. TSD will review job announcements with diversity and cultural awareness in mind to continue its efforts to attract a more diverse pool of candidates and ensure qualified minority applicants are fully considered.

Food Services: The expected minority utilization in this category is 24.6%. Current utilization is 14.7%, indicating an underutilization. District staff will continue to partner with the ESD Personnel Co-op to increase the pool of minority candidates.

Transportation: Expected minority utilization in this category is 23.04% %. Current utilization is 13%. Recruiting in this occupational category is generally difficult because all new hires undergo several weeks of training and begin as on-call substitute drivers working a limited number of hours. TSD will review job announcements with diversity and cultural awareness in mind to continue its efforts to attract a more diverse pool of candidates and ensure qualified minority applicants are fully considered. In addition, TSD will monitor the applicant flow data more closely and ensure that qualified minority applicants are interviewed by the department.

Maintenance: Expected minority utilization in this category is 27.12%; with a utilization of 13.3%. This reflects underutilization. There are limited positions in this job group and few openings. District staff will continue to work with the ESD Personnel Co-op to search for and enrich the pool of qualified female candidates so that when openings occur there are female candidates in the pool.

Coaches: Expected female utilization in this category is 48%. Current utilization is 37.6%; reflecting an underutilization. District staff will continue to work with the ESD Personnel Co-op to enrich the pool of minority candidates.

V. GOALS AND TIMETABLES

TSD shall establish goals for increasing the representation of females and minorities in each of the job groups where under-representation exists, as shown in Appendices A and B, to be achieved by the end of the 2028-2029 school year.

In addition to working to increase the under-representation of females and minorities the Equity Committee will commit to:

1. Hold yearly discussions with Tumwater School District hiring managers to ensure TSD's equal opportunity employment policies are followed. After such meetings, the department will send the meeting minutes and list of attendees to the Human Resources administrative team.
2. Assist the Affirmative Action Officer and Executive Director of Human Resources in periodic audits (at least twice a year) of hiring and promotion patterns to proactively remove obstacles.
3. Equity Committee members will participate in the interviewing process for all new administrator candidates.
4. Ensure that recruiting, hiring, and retention efforts are in alignment with the Strategic Plan. The Equity Committee will regularly provide guidance in developing policies and procedures that foster this mission.
5. Serve as a resource and coach for certificated and classified staff members around racial and educational justice issues.

The following processes will be used to assist TSD in meeting these goals. Annual analysis of the goals will be given to the Board of Directors. Periodic training to administrators on diversity hiring practices will be conducted. The Human Resources staff will work to increase the applicant pool through attendance at hiring fairs, college/university recruiting visits and other community agencies.

The above objectives will be analyzed annually and revised as appropriate to ensure compliance with the intent of TSD's Equal Employer Opportunity Non-Discrimination Policy.

VI. INTERNAL AUDITING AND MONITORING

TSD has established the following internal audit and reporting system to monitor the Affirmative Action Plan:

- A. Job History Files. Job history files are maintained and retained for the legally specified time period and are available for reference. These files contain copies of the job announcement, applicant lists, applications, copies of selection instruments, rating summaries, and relevant correspondence and notes.
- B. Applicant Flow Data. All applicants are asked to fill out an optional self-designation form. A computerized applicant tracking system is utilized.
- C. Reporting. Statistics on recruiting and utilization will be prepared and disseminated to administrators, managers, and supervisors as appropriate.

The Affirmative Action Officer will evaluate the effectiveness of the Plan and recommend changes to the Board of Directors through the superintendent. Changes mandated by the Board will be carried out under the direction of the Executive Director of Human Resources.

VII. SUPPORTIVE SYSTEMS

A. Job Structuring for Promotion

The Affirmative Action Plan shall ensure that the public will have an opportunity to enter public school service in the Tumwater School District on the basis of open competition and to advance according to their relative abilities.

This is to be accomplished by routinely analyzing position requirements to ensure that they are necessary, by making selections for positions based upon required qualifications, and by providing opportunities for upward mobility. To achieve this goal, the following activities will be implemented annually unless otherwise noted:

- 1. A careful review will continue to be made of all job descriptions to remove non-job-related requirements for employment or advancement.
- 2. Job descriptions will be reviewed regularly to ensure that qualifications required will be minimum for entrance into a given job classification rather than a desired standard attainable only after some experience on the job.
- 3. Job qualifications will be analyzed to provide an emphasis on potential for development rather than present performance capabilities.

4. Promotional possibilities will be identified wherever possible to permit movement of capable lower-level employees to positions of greater responsibilities as employees develop.
5. Employees in all departments will be given assistance in the form of counseling and training.
6. The Tumwater School District will announce in-service training opportunities for all employees on a regular basis.

B. Recruitment, Employment and Training

TSD is an Equal Employment Opportunity/Affirmative Action Employer. It is our policy and commitment to provide equal employment opportunity and non-discriminatory treatment in recruitment, hiring, retention, transfer, promotion, and training of all employees regardless of age, genetic information, national origin, race, color, creed, religion, sex, sexual orientation, marital status, non-job related physical, sensory, or mental disability, or veteran or military status, except insofar as such factors are valid occupational qualifications.

Consistent with the Affirmative Action Plan, appropriate departments of TSD will work to accomplish the following goals:

1. Send announcements regarding job opening to local agencies, institutions, and professional groups to assist TSD in its recruitment of members of protected classes.
2. Post all job openings on TSD's website and the ESD Personnel Co-Op.
3. Make college placement offices aware of TSD's commitment to an equal employment opportunity policy and its Affirmative Action Plan to implement this policy.
4. Continue to develop various in-service training opportunities by which personnel can receive assistance in moving from beginning levels to positions of greater responsibility.
5. Provide interview training to school hiring committees to help them be more aware of the impact cultural differences may have on the hiring process.
6. Provide training, troubleshooting, and accountability as needed for colleagues and staff who provide support to new protected class employees.

C. Complaint Procedure

To ensure fairness and consistency, the following review procedures are to be used in TSD's relationship with its staff regarding employment problems covered by state and federal equal employment opportunity laws and/or this Affirmative Action Plan. No employee's status with TSD shall be adversely affected in any way because the employee utilized these procedures.

D. Informal Review Procedure

Prior to implementing the formal procedure, as outlined in Level One, an employee may complain informally to his or her supervisor, the Affirmative Action/Title IX Compliance Officer, or the Human Resources Department about alleged noncompliance with equal employment opportunity or equal access laws. The Affirmative Action/Title IX Compliance Officer or designee will attempt to informally resolve the complaint and shall notify the complainant within thirty (30) days of a proposed resolution.

E. Level One – Formal Review

1. Each formal complaint communicated to TSD shall be:
 - a. Written.
 - b. Signed by the complainant.
 - c. Set forth specific acts, conditions, or circumstances alleged to be in violation of TSD's policies or obligations with regard to discrimination.
 - d. be filed with the Affirmative Action/Title IX Compliance Officer as soon as possible, but no later than thirty (30) calendar days following the alleged discrimination.
2. Upon receipt of a complaint by TSD in the manner herein described, the Affirmative Action/Title IX Compliance Officer or designee shall investigate the allegations set forth and shall institute such other reasonable procedures to affect a prompt resolution of the complaint.
3. Upon completion of the investigation, the Affirmative Action/Title IX Compliance Officer or designee shall provide TSD superintendent with a full written report of the complaint and results of the investigation, unless the matter is resolved to the satisfaction of the complaining party prior to the submission of full written report.
4. TSD superintendent shall respond in writing to the complainant as expeditiously as possible but in no event later than thirty (30) calendar days following receipt of such complaint by TSD. The response of the superintendent shall clearly state either:
 - a. That TSD denies the allegations contained in the complaint, or
 - b. The nature of such reasonable corrective measures deemed necessary to eliminate any such act, condition, or circumstance within TSD.
5. 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 complainant. (WAC 392-190-065)

F. Level Two – Appeal to Board of Directors

1. In the event a complainant remains aggrieved following a written response from the superintendent, said complainant may appeal to TSD Board of Directors by filing a written notice of appeal with the secretary of the School Board on or before the tenth (10th) day following:
 - a. The date upon which the complainant received the superintendent's written response, or
 - b. The expiration of the thirty (30) day response period set forth in Level One(e) above, whichever occurs first.
2. An appeal to the Board of Directors shall require the Board of Directors to schedule a hearing to commence on or before the twentieth (20th) day following the filing of the written notice of appeal:
 - a. Both parties shall be allowed to present such witnesses and testimony as the Board deems relevant and material. The Board hearing will be public unless a confidential hearing is requested by the complainant.
 - b. The Board of Directors shall render a written decision on or before the tenth (10th) day following the termination of the hearing and shall provide a copy to all parties involved. (WAC 392-190-070).

G. Level Three – Appeal to the Superintendent of Public Instruction

If a complainant remains aggrieved with the decision of the Board of Directors, or if TSD fails to comply with this procedure, the complainant may file a complaint with the Superintendent of Public Instruction under WAC 392-190075.

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 TSD subject to the complaint; (4) A copy of TSD'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.

VIII. REDUCTION IN FORCE

Reduction in staff will be made in accordance with applicable law and with collective bargaining agreements currently in force. If a reduction-in-force is necessary, consistent with its legal and contractual obligations, TSD will attempt to make reductions in force bearing in mind its Affirmative Action commitment.

APPENDIX A
TUMWATER SCHOOL DISTRICT
2020 UTILIZATION ANALYSIS AND GOALS – FEMALES

Job Group	Total Female	Total Employees	Percent Female	Total Availability	*Statistical Expected Utilization	Underutilized
Cert Admin.	10	20	50%	76.3%	61%	Yes
Elementary Teachers	137	153	89.5%	76%	60.8%	No
Secondary Teachers	80	150	53%	55.8%	44.7%	No
Instructional Support	19	24	79%	59.7%	47.8%	No
Custodial	14	40	35%	48%	38.4%	Yes
Teacher Aides	120	142	84.5%	87.7%	70.2%	No
Clerical	53	54	98%	72.9%	58.3%	No
Food Service	33	34	97%	44.2%	35.4%	No
Transportation	24	54	44.4%	37.4%	29.9%	No
Maintenance	6	15	40%	8.6%	6.9%	No
Coaches	56	149	37.6%	60%	48%	Yes
Total	576	847	68%	-	-	-

*80% of Total Availability

APPENDIX B
TUMWATER SCHOOL DISTRICT
2020 UTILIZATION ANALYSIS AND GOALS – MINORITIES

Job Group	Total Minority	Total Employees	Percent Minority	Total Availability	*Statistical Expected Utilization	Underutilized
Cert Admin.	2	20	10%	8.4%	6.72%	No
Elementary Teachers	7	153	4.6%	13.8%	11.04%	Yes
Secondary Teachers	7	150	4.7%	10.9%	8.72%	Yes
Instructional Support	2	24	8.3%	31.8%	25.4%	Yes
Custodial	11	40	27.5%	36%	28.8%	Yes
Teacher Aides	13	142	9.2%	28.1%	22.5%	Yes
Clerical	6	54	11.1%	7.8%	6.3%	No
Food Service	5	34	14.7%	30.8%	24.6%	Yes
Transportation	7	54	13%	28.8%	23.04%	Yes
Maintenance	2	15	13.3%	33.9%	27.12%	Yes
Coaches	18	149	21.1%	2.2%	1.8%	No
Total	78	847	9.2%	-	-	-

*80% of Total Availability

APPENDIX C

EQUAL EMPLOYMENT OPPORTUNITY/NONDISCRIMINATION POLICY

Policy 5010
Personnel

Tumwater School District Board Policy

NONDISCRIMINATION AND AFFIRMATIVE ACTION

Nondiscrimination

The Tumwater School District is committed to an educational and working environment free from discrimination and harassment as described in this policy. This policy and accompanying procedure prohibit 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 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 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, 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.

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.

Policy 5010 - Page 1 of 4

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 his/her opportunities or status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions, and includes fringe benefits and other elements of compensation.
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 make use of any employment test or criteria that screens 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.

Cross References: 2030 – Service Animals in Schools
5407 – Military Leave
5011 – Sexual Harassment of District Staff Prohibited
5270 – Resolution of Staff Complaints

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 Education Opportunity – Unlawful Discrimination Prohibited
	WAC 392-190-0592	Public school employment — Affirmative action program

Policy 5010
Personnel

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

Management Resources: 2018 - May Policy 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

ADOPTED: November 24, 1992
REVISED: October 24, 2024

APPENDIX D

LEGAL BASIS FOR NONDISCRIMINATION AND AFFIRMATIVE ACTION

Equal Pay Act of 1963 – requires all employees subject to the Fair Labor Standards Act to provide equal pay to men and women for equal work on jobs which require equal skill, effort, and responsibility and which are performed under similar working conditions.

Title VI of the Civil Rights Act of 1964 – prohibits discrimination based on race, color, or national origin in any program or activity receiving federal financial assistance.

Title VII of the Civil Rights Act of 1964 – as amended by the Equal Employment Opportunity Act of 1972, prohibits discrimination against employees or applicants for employment on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972 – prohibits sex discrimination against students and employees in educational institutions receiving federal financial assistance.

Vocational Rehabilitation Act of 1973, Section 504 – prohibits discrimination against students and employees in educational institutions receiving federal financial assistance.

Age Discrimination in Employment Act of 1967 – as amended in 1978, prohibits age discrimination against employees or applicants 40 years or older.

Washington State Law Against Discrimination, RCW 49.60 – prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, 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 and 390-200 – prohibits sex discrimination and requires affirmative action by public schools (K-12).

Washington State Law, RCW 49.60.400 - prohibits preferential treatment in affirmative action.