



Rochester  
School District  
Affirmative  
Action Plan  
2017-2022

## BOARD OF DIRECTORS

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## INTRODUCTION

The Board of Directors of the Rochester School District No. 401 recognizes that an affirmative action plan is a sound employment practice that assists in remediating prior employment discrimination and achieving a diverse workforce. Rochester School District No. 401 commits itself to a policy of affirmative action for all qualified persons without regard to sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, or the use of a trained dog guide or service animal and provides equal access to the Boy Scouts and other designated youth groups.

All personnel policies and practices related to employee selection, promotion, retention, staff development, and compensation will conform to the letter as well as the spirit of this Affirmative Action Plan and the Board of Directors policy on Equal Employment Opportunity.

Attainment of and adherence to the Affirmative Action Plan is a primary responsibility of the Superintendent, administrators, managers and supervisors. Every employee is expected to work toward its success.

## REAFFIRMATION OF POLICY

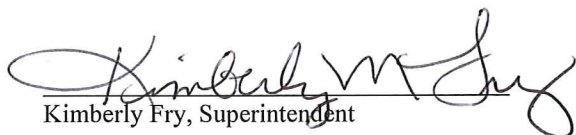
The Rochester School District No. 401 is committed to undertake Affirmative Action that will allow effective, Equal Employment Opportunities for staff and applicants. In addition to a review of current programs, such affirmative action shall also include recruitment, selection, training, education and other programs.


This program is a directed, good faith effort to provide equal opportunity in all aspects of employment. It is a comprehensive and planned effort by the Rochester School District to:

- Reaffirm the Rochester School District's policy statement.
- Describe policy dissemination and establishment of responsibilities.
- Identify barriers in the personnel management system that may limit the ability of applicants and employees to reach their full potential.
- Implement programs that will accelerate progress.

The Affirmative Action Plan specifies the personnel procedures to be followed by staff of the Rochester School District and shall ensure that no such procedures discriminate against any individual. Reasonable steps shall be taken to promote employment opportunities for the classes that are recognized as protected groups; aged, handicapped ethnic minorities, and women.

This policy, as well as the Affirmative Action Plan, regulations and procedures developed, shall be disseminated widely to all staff, interested patrons and organizations. Additionally, the Rochester School District's commitment to avoiding discrimination in the hiring and promotion of disabled persons, and persons over age forty is reaffirmed. The purpose of these commitments is to ensure the absence of discrimination in employment practices. Each employee of the Rochester School District involved in the recommendation of hiring or promotion must be committed to ensuring that the recommendation is made without discrimination. It is the responsibility of each individual manager to promote a strong commitment to Equal Employment Opportunity at his/her work site and throughout the Rochester School District. Progress under this policy shall be reported annually to the Board of Directors.

  
Kimberly Fry, Superintendent

  
Michael Langer, Board Chairman

## COMMUNICATION OF AFFIRMATIVE ACTION PLAN

### A. Internal Communication

1. Copies of the District's policies regarding nondiscrimination and affirmative action are contained in the District's policy books which are available at all worksites and on the District's website. The grievance procedures available to register complaints under these policies are also contained in these books and on the website.
2. These policies will also be discussed in new employee orientation meetings.
3. Copies of the Affirmative Action Plan will be distributed to all members of the Board of Directors, District administrators, managers, and supervisors at all District facilities and to employee representatives. A copy of the plan is available to any employee via the district website.
4. At least annually, the District shall notify employees of its Affirmative Action Plan and its grievance procedure through annual training.

### B. External Communication

1. A statement of the District's commitment to equal employment opportunity is to be included in all District publications, employment announcements, vendor contracts, and other related District documents. All appropriate and interested recruiting sources are to be informed of the District's policies regarding nondiscrimination.
2. Advertisements for positions, whenever published, shall carry a statement to the effect that the District is an "Equal Opportunity Employer" and shall include the name, address, and telephone number of the person responsible for implementation of Title IX, Section 504/ADA, and Affirmative Action.

## STAFF RESPONSIBILITY FOR IMPLEMENTATION AND EVALUATION

### A. Affirmative Action Officer

The Affirmative Action Officer has responsibility for reporting to the Superintendent and Board of Directors. The Affirmative Action Officer is:

Jill Pratt  
Rochester School District No.401  
10140 Hwy 12 SW, Rochester, WA 98579  
Phone: (360) 273-5536  
Fax: (360) 273-5547

The Title IX Officer and ADA/504 Officer are charged with responding to any questions or complaints concerning the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973. The Title IX Officer and ADA/504 Officers are:

William Maus, Principal (Title IX)  
Rochester School District No. 401  
9937 Hwy 12 SW Rochester, WA 98579  
Phone: (360) 273-5958  
Fax: (360) 273-2045

Laura Staley, Special Service Director (ADA/504)  
Rochester School District No. 401  
10140 Hwy 12 SW Rochester, WA 98579  
Phone: (360) 273-5536  
Fax: (360) 273-5547



## **B. Human Resource Department**

The overall responsibility for monitoring and auditing this plan shall be by the Human Resource Department of the district. This department can be contacted through

Jill Pratt  
Rochester School District No.401  
10140 Hwy 12 SW, Rochester, WA 98579  
Phone: (360) 273-5536  
Fax: (360) 273-5547

## **C. All Employees**

All District employees are responsible for supporting this Plan and for conducting their duties in accordance with it. Anyone having questions or concerns about any matter related to an equal employment issue is encouraged to contact the Human Resource Department or the Affirmative Action Officer.

## **UTILIZATION ANALYSIS (INCLUDING STATISTICAL DATA)**

### **A. 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 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 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 program, it is first necessary to determine the percentage of females and minorities available in the workforce. This is done through an "availability analysis." The availability analysis methodology used herein is 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 second step is to measure the District'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, the District is "underutilized" in a job group.

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 which were identified for tracking are: Administrators, Elementary Certificated (K-8), Secondary Certificated (9-12), Classified and Secretary, and Custodial/Maintenance.

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 number of sources, including the 2010 Census data for Thurston County and Lewis County. 2010 Census data for the State of Washington for Lewis and Thurston Counties, U.S. Census Bureau EEO Data Tool, and internal District data. From the summary of underutilization analysis provided in a prior year, progress can be monitored.

**B. Statistical Data**

**Table 1: 2010 Population Data by Race and Hispanic/Latino Origin by Census Bureau Definition**

| 2010 Census Data | Total               | White              | Hispanic/Latino  | African American | Native American | Pacific Island  | Asian            | Multi            | Other            |
|------------------|---------------------|--------------------|------------------|------------------|-----------------|-----------------|------------------|------------------|------------------|
| Thurston County  | 252,264<br>(100.0%) | 207,856<br>(82.0%) | 17,787<br>(7.0%) | 6,752<br>(3.0%)  | 3,515<br>(1.0%) | 1,961<br>(0.8%) | 13,037<br>(5.0%) | 13,495<br>(5.0%) | 17,787<br>(2.0%) |
| Lewis County     | 75,455<br>(100.0%)  | 67,712<br>(90.0%)  | 6,527<br>(9.0%)  | 405<br>(0.5%)    | 117<br>(0.2%)   | 117<br>(0.2%)   | 564<br>(0.8%)    | 2,437<br>(3.0%)  | 3,047<br>(4.0%)  |

**Table 2: 2010 Census Population Data for Thurston and Lewis Counties by Gender**

| 2010 Census Data | Total               | Male               | Female             |
|------------------|---------------------|--------------------|--------------------|
| Thurston County  | 252,264<br>(100.0%) | 122,952<br>(49.0%) | 129,312<br>(51.0%) |
| Lewis County     | 75,455<br>(100.0%)  | 37,750<br>(50.0%)  | 37,705<br>(50.0%)  |

**Table 3: Occupation Data by Race and Gender for Thurston and Lewis Counties (combined)**

| 2010 Census Data              | Total | White            | Hispanic/Latino | African American | Native American | Pacific Island | Asian        | Multi        | Other        |
|-------------------------------|-------|------------------|-----------------|------------------|-----------------|----------------|--------------|--------------|--------------|
| Male Admin                    | 159   | 155<br>(97.0%)   | 0<br>(0.0%)     | 0<br>(0.0%)      | 0<br>(0.0%)     | 0<br>(0.0%)    | 0<br>(0.0%)  | 4<br>(3.0%)  | 0<br>(0.0%)  |
| Female Admin                  | 347   | 300<br>(86.5%)   | 4<br>(1.2%)     | 24<br>(6.9%)     | 0<br>(0.0%)     | 0<br>(0.0%)    | 4<br>(1.2%)  | 15<br>(4.2%) | 0<br>(0.0%)  |
| Male Elementary Cert          | 879   | 865<br>(98.4%)   | 0<br>(0.0%)     | 4<br>(0.5%)      | 0<br>(0.0%)     | 0<br>(0.0%)    | 10<br>(1.1%) | 0<br>(0.0%)  | 0<br>(0.0%)  |
| Female Elementary Cert        | 2,393 | 2,255<br>(94.2%) | 19<br>(0.8%)    | 23<br>(1.0%)     | 8<br>(0.3%)     | 10<br>(0.4%)   | 54<br>(2.3%) | 4<br>(0.2%)  | 20<br>(0.8%) |
| Male Secondary Cert           | 400   | 380<br>(95.0%)   | 0<br>(0.0%)     | 0<br>(0.0%)      | 0<br>(0.0%)     | 0<br>(0.0%)    | 0<br>(0.0%)  | 0<br>(0.0%)  | 20<br>(5.0%) |
| Female Secondary Cert         | 319   | 305<br>(96%)     | 0<br>(0.0%)     | 0<br>(0.0%)      | 0<br>(0.0%)     | 0<br>(0.0%)    | 10<br>(3.0%) | 0<br>(0.0%)  | 4<br>(1.0%)  |
| Male Classified & Secretary   | 24    | 24<br>(100.0%)   | 0<br>(0.0%)     | 0<br>(0.0%)      | 0<br>(0.0%)     | 0<br>(0.0%)    | 0<br>(0.0%)  | 0<br>(0.0%)  | 0<br>(0.0%)  |
| Female Classified & Secretary | 1,017 | 935<br>(92.0%)   | 38<br>(4.0%)    | 0<br>(0.0%)      | 0<br>(0.0%)     | 0<br>(0.0%)    | 25<br>(2.0%) | 19<br>(1.8%) | 0<br>(0.0%)  |
| Male Custodial & Maintenance  | 2,318 | 1,881<br>(81.0%) | 259<br>(11.0%)  | 69<br>(3.0%)     | 64<br>(2.7%)    | 45<br>(2.0%)   | 0<br>(0.0%)  | 34<br>(1.0%) | 0<br>(0.0%)  |
| Female Custodial & Secretary  | 478   | 329<br>(69.0%)   | 64<br>(13.0%)   | 10<br>(2.0%)     | 30<br>(6.0%)    | 45<br>(9.0%)   | 0<br>(0.0%)  | 0<br>(0.0%)  | 0<br>(0.0%)  |



**Table 4: Rochester School District Utilization Analysis Minorities and Women 2016-2017**

|                       | Admin | Elem. Certs (K-8) | Secondary Certs (9-12) | Class./ Secretary | Custodial / Maintenance | Totals |
|-----------------------|-------|-------------------|------------------------|-------------------|-------------------------|--------|
| <b>Overall Total</b>  | 12    | 105               | 40                     | 110               | 16                      | 283    |
| <b>Male</b>           |       |                   |                        |                   |                         |        |
| White                 | 6     | 18                | 20                     | 10                | 7                       | 61     |
| Hispanic              | 0     | 0                 | 0                      | 0                 | 0                       | 0      |
| African American      | 0     | 0                 | 0                      | 0                 | 0                       | 0      |
| Native American       | 0     | 0                 | 0                      | 0                 | 0                       | 0      |
| Pacific Island        | 0     | 0                 | 0                      | 0                 | 0                       | 0      |
| Asian                 | 0     | 0                 | 0                      | 0                 | 0                       | 0      |
| Multi                 | 0     | 0                 | 0                      | 0                 | 0                       | 0      |
| <b>Total Male</b>     | 6     | 18                | 20                     | 10                | 7                       | 61     |
| <b>% Male</b>         | 50%   | 17%               | 50%                    | 9%                | 44%                     | 22%    |
| <b>Female</b>         |       |                   |                        |                   |                         |        |
| White                 | 6     | 83                | 20                     | 91                | 7                       | 207    |
| Hispanic              | 0     | 1                 | 0                      | 5                 | 2                       | 8      |
| African American      | 0     | 0                 | 0                      | 2                 | 0                       | 2      |
| Native American       | 0     | 2                 | 0                      | 0                 | 0                       | 2      |
| Pacific Islander      | 0     | 0                 | 0                      | 0                 | 0                       | 0      |
| Asian                 | 0     | 0                 | 0                      | 2                 | 0                       | 2      |
| Multi                 | 0     | 1                 | 0                      | 0                 | 0                       | 1      |
| <b>Total Female</b>   | 6     | 87                | 20                     | 100               | 9                       | 222    |
| <b>% Female</b>       | 50%   | 83%               | 50%                    | 91%               | 56%                     | 78%    |
| <b>Total Minority</b> | 0     | 4                 | 0                      | 9                 | 2                       | 15     |
| <b>% Minority</b>     | 0%    | 4%                | 0%                     | 8%                | 13%                     | 5%     |

**Table 5: Rochester School District Utilization Analysis and Goals: Females 2016-2017**

| Job Group                | Total Female | Total Employees | Percent Female | Total Availability | Statistically Expected Utilization | Under Utilized | Persons Under Utilized |
|--------------------------|--------------|-----------------|----------------|--------------------|------------------------------------|----------------|------------------------|
| Administration           | 6            | 12              | 50%            | 69.0%              | 55.2%                              | Yes            | 1                      |
| Elementary Cert (K-8)    | 87           | 105             | 83%            | 72.7%              | 85.2%                              | No             | 0                      |
| Secondary Cert (9-12)    | 20           | 40              | 50%            | 44.4%              | 35.5%                              | No             | 0                      |
| Classified / Secretaries | 100          | 110             | 91%            | 98.0%              | 78.4%                              | No             | 0                      |
| Custodial / Maintenance  | 9            | 16              | 56%            | 17.1%              | 13.7%                              | No             | 0                      |
| Total                    | 222          | 283             | 78%            |                    |                                    |                |                        |

**Table 6: Rochester School District Utilization Analysis and Goals: Minorities 2016-2017**

| Job Group                | Total Minority | Total Employees | Percent Minority | Total Availability | Statistically Expected Utilization | Under Utilized | Persons Under Utilized |
|--------------------------|----------------|-----------------|------------------|--------------------|------------------------------------|----------------|------------------------|
| Administration           | 0              | 12              | 0%               | 7.7%               | 6.2%                               | Yes            | 1                      |
| Elementary Cert (K-8)    | 4              | 105             | 4%               | 5.2%               | 4.1%                               | No             | 0                      |
| Secondary Cert (9-12)    | 0              | 40              | 0%               | 4.7%               | 3.8%                               | Yes            | 2                      |
| Classified / Secretaries | 9              | 110             | 8%               | 7.8%               | 6.2%                               | No             | 0                      |
| Custodial / Maintenance  | 2              | 16              | 13%              | 22.2%              | 17.2%                              | Yes            | 1                      |
| Total                    | 15             | 283             | 5%               |                    |                                    |                |                        |



**Table 7: Rochester School District Salary Ranges by Job Group 2016-2017**

| Position               | Salary Range          |
|------------------------|-----------------------|
| Administration         | \$64,425 to \$142,936 |
| Elementary Cert (K-8)  | \$39,667 to \$74,764  |
| Secondary Cert (9-12)  | \$39,667 to \$74,764  |
| Classified/Secretaries | \$8,058 to \$54,083   |
| Custodial/Maintenance  | \$25,355 to \$58,635  |

**C. Analysis of Utilization**

The District has analyzed its 2016-2017 utilization of females and minorities relative to the statistically expected utilization.

This analysis indicates that females are statistically underutilized in the Administrator job group. Minorities are underutilized in the Administrator, Secondary Teacher and Custodial/Maintenance job groups.

Additional details on each analyzed job group are as follows:

**Certificated Administrators:** The number of female certificated administrators has increased in RSD from 2012 to 2017. This resulted in an improvement of underutilization from two (2) female administrators to one (1) female administrator.

No change has occurred to the underutilization of minorities in this job category and we continue to underutilize one (1) minority Administrator. RSD will work toward hiring one minority administrator. The District will continue its efforts to eliminate underutilization of minorities in this job group by recruiting diverse administrative interns, advertising in appropriate media outlets (including minority-focused media), and working to ensure equal opportunity for all applications, to include minority applicants, in the hiring process.

**Elementary Certificated (K-8):** RSD is a member of an employment cooperative, (The Public Schools Personnel Cooperative), subscribed to by several local school districts to administer its recruiting function with respect to certificated positions. The cooperative posts vacancy announcements on-line, advertises in publications (including minority focused media), attends career fairs in areas of the state with significant minority populations, develops relationships with career counselors and/or education department staff at colleges and universities with significant minority populations, and, when possible, attends career fairs in areas of the country with significant minority populations. The District will evaluate all recruitment efforts annually.

The district exceeds the utilization goals for female elementary certificated staff by over 25 staff members. In addition, the district meets the utilization goal for this job. This is an improvement from 2012 where minorities were underutilized by four (4) people. The District will continue to utilize the recruitment and employee selection methods set forth in the Supportive Systems section of the plan, to maintain (or increase) its minority applicant pool.

**Secondary Certificated (9-12):** RSD is a member of an employment cooperative, (The Public Schools Personnel Cooperative), subscribed to by several local school districts to administer its recruiting function with respect to certificated positions. The District has taken the same actions to attract qualified candidates for secondary teaching vacancies as it does for elementary teaching vacancies.

The district exceeds the utilization goals for female secondary certificated staff by over 14 staff members. Minority



statistically expected utilization in this job group is 3.8%; current utilization is 0%. Current utilization remains stable from 2012. Thus, the District has a continuing goal to attract minority secondary teachers. The District will utilize the Recruitment and Employee Selection methods set forth in the Supportive Systems section of the plan, to increase its minority applicant pool.

**Classified & Secretaries:** The district exceeds the utilization goals for female classified staff by over 13 staff members. Also, the utilization goals for minorities has been exceeded by over 6 staff members. Although utilization has decreased from 2012 in both categories, goals are still met. The District will continue to utilize the recruitment and employee selection methods set forth in the Supportive Systems section of the plan, to maintain (or increase) its minority and female applicant pool.

**Custodial/Maintenance:** Female statistically expected utilization is 13.7%; current utilization is 56%. Minority statistically expected utilization is 17.2%; current utilization is 13.0%. While we do not meet our goal for minorities in this job group, there has been significant growth from 2012. In 2012, utilization of minorities was 0.0% and in 2017 utilization is 13.0%. This growth can be contributed to working on our prior goal of making the District a viable alternative work alternative to other businesses including hospitals and local tribal business which previously had much higher salaries for similar work. Our current goal will be continue the work that has already started to attract qualified candidates for custodial/maintenance positions.

## SUPPORTIVE SYSTEMS

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

### A. Job Descriptions

1. Job descriptions will be reviewed and revised as necessary to reflect current duties, essential job functions, and critical job elements.
2. Professional job analysis techniques will be utilized in the creation of new job descriptions and revision of existing job descriptions.

### B. Recruitment

1. Recruitment sources and procedures will ensure that qualified protected-class applicants are identified and recruited.
2. Targeted advertisements, career fair participation, school-focused recruiting, and active participation with other public agencies on diversity and affirmative action issues will be used to increase the diversity of the applicant population.
3. A computerized applicant tracking system will be utilized to evaluate the effectiveness of the District's recruiting efforts and to identify the best sources of protected-class applicants.
4. The District will continue to identify colleges and universities with large minority populations for focused recruitment efforts.

### C. Employee Selection.

1. Selection instruments and methods will be based on essential job functions and critical job elements.

2. As vacancies occur, recruiting and hiring authorities will be reminded of the District's commitments under the Affirmative Action Plan.

3. The Human Resources department will monitor all aspects of the employee selection process for inclusion of underutilized protected-class applicants.

**D. Orientation.** All new employees receive an orientation. This program includes a general orientation to the District and a discussion of pertinent District policies, including equal employment opportunity and affirmative action.

**E. Evaluation.** All employees are evaluated annually using processes and criteria appropriate to each position.

**F. Program Support.** The Human Resource Department will train and assist administrators, managers, and supervisors in developing appropriate departmental and building strategies to implement the District's Affirmative Action Plan.

**G. Grievance Procedure.** A formal grievance procedure will be adopted by the District and is provided below.

#### **INTERNAL AUDIT AND REPORTING**

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

The District 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, selection instruments, rating summaries, and relevant correspondence and notes.

B. Applicant Data. A computerized applicant tracking system will be utilized, to gather workforce composition data.

C. Reporting. Statistics on recruiting and utilization will be prepared and disseminated to administrators, managers and supervisors as appropriate.

D. When the district moved to its new on-line information system, it unintentionally lost the ability to gather voluntary demographic information from applicants and employees in the areas of veteran status, disabled veterans, disabled, and persons over the age of 40. The District is committed to investigating how to lawfully collect this elective information from applicants in the future.

#### **REDUCTIONS IN FORCE**

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



## POLICY 5010-NONDISCRIMINATION AND AFFIRMATIVE ACTION

### **Nondiscrimination**

The district shall provide equal employment opportunity and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training. Such equal employment opportunity shall be provided without discrimination with respect to 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, and provide equal access to the Boy Scouts and other designated youth groups.

The board shall 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 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, 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 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, 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, shall be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this policy shall be reported annually to the board.

### **Employment of Persons with Disabilities**

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

- A. No qualified person with disabilities shall, solely by reason of a disability, be subjected to discrimination and the district shall not limit, segregate or classify any applicants for employment or any staff member in any way that adversely affects his/her opportunities or status because of a disability. This prohibition applies to all aspects of employment from recruitment to promotions, and includes fringe benefits and other elements of compensation.

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:

1. Making facilities used by staff readily accessible and usable by persons with disabilities; and
2. Job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters and other similar actions.

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

- B. The district will not use any employment tests 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.
- C. The District will not use any employment tests 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.
- D. 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: | Board Policy 2030<br>Board Policy 5270<br>Board Policy 5407   | Service Animals in Schools<br>Resolution of Staff Complaints<br>Military Leave   |
| Legal References: | RCW 28A.400.310<br><br>RCW 28A.640.020<br><br>RCW 28A.642<br>RCW 49.60<br>RCW 49.60.030<br><br>RCW 49.60.180<br>RCW 49.60.400<br>RCW 73.16<br><br>WAC 392-190<br><br>WAC 392-0592<br><br>42 USC 2000e1 – 2000e10<br>20 USC § 1681 - 1688<br>42 USC 12101 – 12213<br>8 USC 1324<br><br>38 USC §§ 4301-4333<br><br>29 USC 794<br>34 CFR § 104<br><br>38 USC §4212 | Law against discrimination applicable to districts’<br>employment practices<br>Regulations, guidelines to eliminate discrimination<br>— Scope — Sexual<br>harassment policies<br><br>Discrimination prohibition<br>Discrimination — Human rights commission<br>Freedom from discrimination — Declaration of civil<br>rights<br>Unfair practices of employers<br>Discrimination, preferential treatment prohibited<br>Employment and Reemployment<br><br>Equal Education Opportunity – Unlawful<br>Discrimination<br>Prohibited<br><br>Public school employment — Affirmative action<br>program<br><br>Title VII of the Civil Rights Act of 1964<br>Title IX Educational Amendments of 1972<br>Americans with Disabilities Act<br>(IRCA) Immigration Reform and Control Act of<br>1986<br>Uniformed Services Employment and Reemployment<br>Rights Act<br>Vocational Rehabilitation Act of 1973<br>Nondiscrimination on the basis of handicap in<br>Programs or activities receiving federal financial<br>assistance<br>Vietnam Era Veterans Readjustment<br>Act of 1974 (VEVRAA) |



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|-----------------------|------------------------------------|---|
| Management Resources: | 2017 – April Issue                 |   |
|                       | 2014 - December Issue              |   |
|                       | <i>Policy News</i> , June 2013     | Adding Legal Reference to Policy        |
|                       | 5010                               |   |
|                       | <i>Policy News</i> , June 2011     | Laws Against Discrimination Address     |
|                       | Equal Education Opportunities      |   |
|                       | <i>Policy News</i> , February 2011 | Nondiscrimination                       |
|                       | <i>Policy News</i> , August 2007   | Washington’s Law Against Discrimination |
|                       | <i>Policy News</i> , June 2001     | State Updates Military Leave Rights     |

**Rochester School District**  
**Adoption Date: 02/00; 08/13**  
**Classification: Priority**  
**Revised: 06/01; 02/07; 02/08; 03/11; 11/11; 07/17**

**PROCEDURE TO POLICY 5010-NONDISCRIMINATION AND AFFIRMATIVE ACTION**

**Nondiscrimination**

To ensure fairness and consistency, the following grievance procedure is to be used in the district’s relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member’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:

The needs of all persons in a pluralistic society must be understood in order to continue to create an employment atmosphere compatible with and receptive to all persons. The following goals will assure that a meaningful educational experience may continue to exist for students and staff alike. The district will:

- A. Make efforts to modify the composition of the future work force in order to work toward a full utilization of aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the various job categories.
- B. Ensure that all applicants and staff are considered on the basis of bona fide job-related qualifications. The purpose of the affirmative action plan is to actively include persons of under-utilized classes in the employment process, not to exclude others from it. The district will continue to emphasize in all recruitment contacts that nondiscrimination is a basic element in the district’s personnel procedures.
- C. Be responsible for reviewing all employment procedures and programs to assure that there is no indication of discriminatory practices. The district will continue to use aged, persons with disabilities, ethnic minorities, women and Vietnam veterans in the recruitment and employment process. Recruitment from colleges and universities will include institutions with high percentages of students of various ethnic minorities.

- D. Contract and purchase all goods and services from persons, agencies, vendors, contractors and organizations who comply with the appropriate laws and executive orders regarding discrimination.
- E. Take appropriate action to attract and retain aged, persons with disabilities, ethnic minorities, women and Vietnam Veterans at all levels and in all segments of the district's work force. Criteria for selecting staff will be reviewed regularly to assure that such statements relate directly to the requirements for specific positions. However, pursuant to state law, there will be no preferential employment practices based on race or gender.
- F. Upgrade present staff by providing management development training to assure that individuals of under-utilized groups are prepared for positions of new and increased responsibility.

Implementation of the affirmative action plan will be the responsibility of the superintendent. Administrators will assist in the attainment of the established goals and purposes of this affirmative action plan.

**Dissemination**

The district will disseminate information concerning employment and developments under the affirmative action plan on a planned basis to assist in achieving the goals set forth in this plan. Affirmative action information will be disseminated by:

- A. Printing and distributing such information to staff;
- B. Publicizing such information in district newsletters;
- C. Conducting meetings with administrative staff to explain the intent and advantages of the policy and plan;
- D. Conducting faculty meetings and meetings with classified staff;
- E. Informing appropriate and interested recruiting and hiring sources; and
- F. Informing all representative staff groups in the district.

**Male/Female Balance and Staff Goals**

The profile of the district's current utilization of women is set forth in the Affirmative Action data. The district will see that measurable efforts are made in the utilization of women for higher levels of responsibility in both certificated and classified positions. The district will make good faith effort to recruit, interview and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, school and level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

**Administrators**

- Goal: To place females in administrative positions.
- Objectives: To place females in administrative positions as they become available which falls within a range of 50% percent men and/or women, without using preferential employment practices.
- To identify qualified potential candidates from outside the district for consideration for future openings.

**Principals and Assistant Principals**

- Goal: To place females in principal positions.
- Objective: To place females in principal and assistant principal positions as they occur and trained women are available, without using preferential employment practices.

**Teachers, Elementary or grades K-8**

Goal: To provide each student with the opportunity to experience both male and female homeroom teachers during the primary as well as the intermediate grades.

Objective: To achieve a staff which falls within a range of 50% percent men and/or women in the primary as well as the intermediate grades at each school without using preferential employment practices.

**Teachers, Secondary or grades 9-12**

Goal: To provide students with the opportunity to work with male and female staff in both curricular and extracurricular activities.

Objective: To maintain a staff which falls within a range of 50% percent men and/or women for classroom teachers and activity supervisors without using preferential employment practices.

**Support Staff-Certificated and Classified**

Objective: To achieve a staff which falls within a range of 50% percent men and/or women without using preferential employment practices.

**Ethnic Minority Balance and Staff Goals**

The profiles of the district's current student ethnic minority population and the district's current ethnic minorities (American Indian/ Native American, Asian, Black and Hispanic) are set forth in the Affirmative Action data. The district will see that measurable efforts are made in the utilization of ethnic minorities for higher levels of responsibility in both certificated and classified positions without using preferential employment practices. The district will make good faith effort to recruit, interview and employ individuals consistent with the district commitment to nondiscrimination and affirmative action for all positions and in every department, every school and at every level of operation. Preferential or adverse employment practices, including demotions or termination will not be used to meet stated goals or time lines.

**Administrators**

Goal: To place ethnic minorities in administrative positions without using preferential employment practices.

Objectives: To place ethnic minorities in administrative positions as they become available to progress toward the percentage of ethnic minorities in the current ethnic minority student enrollment.

To identify qualified potential candidates from outside the district for consideration for future openings.

**Principals and Assistant Principals**

Goal: To place ethnic minorities in principal positions.

Objective: To place ethnic minorities in principal and assistant principal positions as they occur and trained applicants are available without using preferential employment practices.

**Teachers: Elementary or grades K-8**

Goal: To provide each student with the opportunity to experience ethnic minority homeroom teachers during the primary as well as the intermediate grades without using preferential employment practices.

Objective: To achieve a staff of primary and intermediate teachers in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment.

**Teachers: Secondary or grades 9-12**



**Goal:** To provide students with the opportunity to work with ethnic minority staff in both curricular and extracurricular activities.

**Objective:** To maintain a staff of classroom teachers and activity supervisors in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment without using preferential employment practices.

**Support Staff – Certificated and Classified**

**Objective:** To achieve a staff of certificated and classified support staff in which the percentage of ethnic minorities is comparable to that of the current ethnic minority student enrollment without using preferential employment practices.

**Age Balance and Staff Goals**

The profile of the district’s current age distribution of certificated and classified staff is set forth in the Affirmative Action data. The district will make good faith effort to recruit, interview and employ individuals consistent with the commitment to nondiscrimination and affirmative action providing the prospective staff member meets the requisite standards for the specific position.

**Administrators**

**Goal:** To identify administrative positions where age is not a barrier to performance.

**Objective:** To create opportunities for older prospective staff to work on a part-time basis when it would not deter the district’s operations.

**Teachers**

**Goal:** To provide opportunities for students to work with older staff in both curricular and extracurricular activities.

**Objective:** To create opportunities for older staff to work on a part-time basis in those situations where the staff member can serve as a role-model to the student or can share his/her breadth of experience.

**Support Staff - Certificated and Classified**

**Goal:** To identify positions in the district, either full-time or part-time, where age does not limit the performance of the prospective staff member.

**Objective:** To place prospective staff who desire to work in positions where they are able to meet the expectations and/or needs of the district.

**Persons with Disabilities Balance and Staff Goals**

The profile of the district’s current distribution of certificated and classified staff with disabilities is set forth in the Affirmative Action data. The district will make good faith effort to recruit, interview, and employ individuals consistent with the district’s commitment to nondiscrimination and affirmative action providing the prospective staff member meets the requisite standards for the specific position.

The ratio of placement will be equal to the ratio of employable persons with disabilities as compared to the persons without disabilities in the statistical area.

**Administrators**

**Goal:** To identify administrative positions where a disability is not a barrier to performance.

**Objective:** To place administrators with disabilities in assignments when it would not deter the district’s operations.



## **Teachers**

- Goal:** To provide opportunities for students to work with teachers who have disabilities in both curricular and extracurricular activities.
- Objective:** To place teachers with disabilities in assignments when it would not impair the instructional program.

## **Support Staff - Certificated and Classified**

- Goal:** To identify positions within the district where a disability does not limit the performance of the prospective staff member.
- Objective:** To place support staff with a disability in assignments when it would not deter the district's operations.

## **Internal Audit And Monitoring System**

The superintendent's office, in compliance with WAC 162-12, Pre-employment Inquiry Guide, will record by age, race, sex and other protected groups applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations. An analysis will be made of the internal and external work force availability of aged, persons without disabilities, ethnic minorities, Vietnam Veterans and women.

The district will evaluate the effectiveness of the nondiscrimination and affirmative action program and report its status to the board annually. Such reports may include recommendations for changes in the affirmative action program goals. The overall responsibility for monitoring and auditing this policy is assigned to the district office. The duties include:

- A. Analysis of the categories of employment in relation to affirmative action goals;
- B. Analysis of work force data and applicant flow;
- C. Maintaining records relative to affirmative action information;
- D. Preparation of semiannual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
- E. Identifying in a written report to the superintendent any employment practice or policy that is discriminatory or that does not meet the requirements of the affirmative action program; and
- F. Keeping the superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.

## **Grievance Procedure**

To ensure fairness and consistency, the following review procedures are to be used in the district's relationship with its staff with regard to employment problems covered by state and federal equal employment opportunity laws and/or this affirmative action program. No staff member's status with the district will be adversely affected in any way because the staff member utilized these procedures.

Grievance means a complaint which has been filed by an employee relating to alleged violations of any state or federal anti-discrimination laws.

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.

Respondent shall 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 end, specific steps shall 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.

### **Informal Process for Resolution**

When a staff member has an employment problem concerning equal employment opportunity, he/she 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 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 feels he/she cannot approach the supervisor because of the supervisor's involvement in the alleged discrimination, the staff member 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 staff member 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.

### **Formal Process for Resolution**

#### **Level One**

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 office 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 with a full written report of the complaint and the results of the investigation. The superintendent will respond in writing to the complainant as expeditiously as possible, but in no event later than 30 calendar days following receipt of the written complaint. The response of the superintendent will include notice of the complainant's right to appeal to the school board and will identify where and to whom the appeal must be filed.

The superintendent or 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 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. The superintendent's or 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's mailing of a written response to the complaining party unless otherwise agreed to by the complainant.

#### **Level Two - Appeal to Board of Directors**

If a complainant disagrees with the superintendent's or designee's written decision, complainant may file 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 will schedule 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. 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. Both parties will be allowed to present such witnesses and testimony as the board deems relevant and material. The decision of the board 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 - Appeal 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.

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 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.

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.

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 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 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.

### **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 he or she serves 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, will be retained in the office of the district compliance officer for a period of six (6) years.

### **Resources.**

#### **3. District Contact**

Superintendent, Kimberly Fry  
10140 Hwy 12 SW  
PO Box 457  
Rochester, WA 98579  
360.273.9242

#### **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 of Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174  
206.607.1600

**Date: 02/08; 11/11; 01/15; 04/15**