LA CENTER SCHOOL DISTRICT NO. 101

Employment Affirmative Action Plan

DRAFT Proposal: Submitted to OSPI July 15, 2009
Board Approved: August 23, 2011

Development or Update of Policy

The district, in its continued commitment to provide equal employment opportunities and treatment for all applicants and staff in recruitment, hiring, retention, assignment, transfer, promotion and training, has updated and revised Policy No. 5010 as of September 25, 2007. This action has combined Policy No. 5010 and Procedure No. P5010 *Nondiscrimination and Affirmative Action,* into one document which is more easily disseminated and understood by diverse groups within our local and state communities. Updated and revised Policy No. 5010 specifically addresses or references the following areas:

a. Nondiscrimination
b. Affirmative Action
c. Employment of Persons with Disabilities
d. Nondiscrimination for Military Service
e. Resolution of Staff Complaints
f. Military Leave
g. Unfair Practices of Employer
h. Employment and Re-employment
i. Public School Employment
j. Title VII of the Civil Rights Act of 1964
k. Title IX Educational Amendments of 1972
l. Americans with Disabilities Act
m. (IRCA) Immigration Reform and Control Act of 1986
n. Vocational Rehabilitation Act of 1973
o. Policy News, June 2001 (State Updates Military Leave Rights

Adoption Date: 09252007

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Employment Affirmative Action Plan

Introduction

This plan implements Policy 5010, "Nondiscrimination and Affirmative Action" of the La Center School District No. 101.

Federal and state laws make it unlawful to discriminate in employment because of race, creed, religion, color, sex, age, national origin, marital status, or the presence of any sensory, mental or physical handicap, disabled veteran status, or Vietnam and more recent military action veteran status. In addition, public employers are required to develop a program that clearly shows a commitment to obey these laws and insure the right of employment to all persons. Such a program is called an Employment Affirmative Action Plan.

An Employment Affirmative Action Plan should have established plans for hiring, have goals built into the program, and have methods for measuring the success or failure of compliance with equal opportunity laws built into the program.

When the United States Congress passed the Equal Employment Opportunity Act of 1972, Congress insured that all state and local governments were subject to the anti-discrimination employment rules set forth in Title VII of the Civil Rights Act of 1964. This legislation bans discrimination in employment on the basis of race, color, religion, national origin or sex. Legislation in this area is administered by the United States Equal Employment Opportunity Commission and is enforced by the Department of Justice.

Washington Administrative Code WAC392-200-015(a) outlines Affirmative Action Programs for public school employment as follows:

(1) Each school district shall develop and/or incorporate within any existing affirmative action employment program appropriate provisions which are consistent with the intent of chapter 28A.640 RCW and such guidelines as are hereafter developed and distributed to each school district by the office of superintendent of public instruction to eliminate discrimination on the basis of sex, in connection with employment by the school district: PROVIDED, that

each school district's affirmative action employment program shall include at least the following provisions respecting discrimination on the basis of sex:

(a) Maintain credential requirements for all personnel;

(b) Make no differentiation in pay scale;

(c) Make no differentiation in the assignment of school duties except where such assignment would involve duty in areas or situations, such as but not limited to a shower room, where persons might be disrobed;

(d) Provide the same opportunities for advancement;

(e) Make no difference in conditions of employment including, but not limited to, hiring practices, leaves of absence, hours of employment and assignment of, or pay for, instructional and noninstructional duties; and

(f) Such other provisions as may be required by the superintendent of public instruction designed to facilitate the effective achievement of all reasonable affirmative action goals and objectives in public school employment respecting the elimination of discrimination on the basis of sex.

(2) Each affirmative action employment program of a school district shall be filed with the office of the superintendent of public instruction.

(3) The board of directors of each school district shall adopt and implement an approved affirmative action employment program required by this section as expeditiously as possible but in no event later than July 1, 1976.

[Statutory Authority: 1990 c 33. 90-16-002 (Order 18), Sec. 392-200-015, filed 7/19/90, effective 8/19/90; Order 6-76, Sec. 392-200-015, filed 5/17/76.]

In addition to the above stated WAC and RCW, each covered organization or program is required to maintain five procedural requirements as an indication of "good faith" efforts to provide nondiscrimination. These include the following:

(1) Current nondiscrimination policies covering the groups listed above.
(2) Regular dissemination of policies and grievance procedures to students, parents, employees, and vendors.
(3) Designation of a person or persons to monitor compliance and handle allegations of discrimination.
(4) A grievance process for the timely resolution of allegations which provides due process for grievants.

(5) Maintenance of records and provisions of nondiscrimination related reports, including those listed below:
   a. Equity Assurance Form
   b. Employment Affirmative Action Plan
   c. Self-Evaluation for Athletic Equity and On-Site Reviews (Selected Districts)
   d. Sexual Harassment Policies
   e. Religious Freedom Information
   f. Services and Training Offered by the Equity and Civil Rights Office (If Any)

Employment Affirmative Action Plans should include the following information:

(1) Development or Update of Policy.
(2) Methods of Dissemination of Equal Employment Opportunity Policy.
(3) Workforce Analysis by Race, Ethnicity, and Sex.
(4) Problem Area Identification.
(5) Goals and Action Steps for Recruitment.
(6) Staff Responsibilities for Implementation, Monitoring, and Evaluation of Progress.
(7) Internal Monitoring and Reporting Process.

GOALS AND ACTION STEPS FOR RECRUITMENT

As previously stated, the La Center School District experiences difficulty in recruiting a diverse employment pool due to factors of location, accessibility, affordability and limited lifestyle options within the community we serve. While these factors are acknowledged as beyond the scope of what the district can control, the La Center School District Board of Directors is committed to creating a place of learning (for students, staff and community) where diversity is both accepted and honored, be it diversity of a physical, cultural or thought nature.

Therefore, while we continue our practice of advertising state wide, sending our job postings to other school districts and agencies where protected group members are more likely to see them, actively pursuing recruitment help from our ESD, employment security, community colleges, and technical training programs, as well as assuring equity in pay, promotion, selection, etc. we are also actively working to promote exposure to and understanding of diverse groups through assemblies, field trips, and other activities designed to broaden the world view of our students, staff and community.

In addition, we continue to support and participate in programs meant to help diverse groups that may traditionally be disadvantaged, such as Head Start, Pedestrian/Bike Advisory Council for 20 Minute Communities, and City of La Center efforts to diversify this community.

We have established and actively enforce a zero tolerance format for dealing with complaints of harassment, bullying, etc. both with students and staff. A review of our hiring and promotion practices shows full compliance with all state and federal laws and regulations. All processes and procedures are well documented and transparent.

Our goal is to continue our current practices and to look for ways to appropriately help with efforts designed to promote opportunities in our area for diverse demographic groups.

GRIEVANCE PROCESS

All processes used for layoff and recall of both certificated and classified staff will be as outlined in the currently adopted Association Agreements, except and unless said agreements are in conflict with state or federal laws in which case the state or federal law will govern.

Board policy EL-4 Staff Treatment requires the superintendent to, among other things, actively implement the district's affirmative action plan and provide for effective handling of grievances. In response to these requirements the following process shall be adhered to:

(1) 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 shall be adversely affected in any way because the staff member utilized these procedures.
(2) "Grievance", as used in this process, shall mean a complaint which has been filed by a complainant (a student, an employee, a parent or guardian) relating to alleged violations of any anti-discrimination law including Title IX regulations and Washington Administrative Code (WAC)392-190, Section 504 of the Rehabilitation Act of 1973, 42 U.S.C. ss 12101-12213 Americans with Disabilities Act (ADA) or Title VII of the Civil Rights Act of 1964. A complaint shall mean a charge alleging specific acts, conditions or circumstances, which are in violation of the anti-discrimination laws. A respondent shall mean the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.
(3) The primary purpose of this process is to secure an equitable solution to a justifiable complaint.

Informal Review:

(1) When a staff member has an employment problem concerning equal employment opportunity, he/she shall discuss the problem with the immediate supervisor, or superintendent within 60 days of the circumstances which gave rise to the problem. It is intended that the informal discussion shall 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 Title IX officer (superintendent) before pursing formal procedures. If the discussion with the office or immediate supervisor does not resolve the issue the staff member may proceed to the formal review.

Formal Review – Level One

(1) The complaint must be signed by the complaining party and set forth the specific acts, conditions, or circumstances alleged to be in violation. The Title IX officer (superintendent) shall investigate the allegations set forth within 30 calendar days of the filing of the charge. The superintendent shall 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.

(2) The superintendent shall state that the district either:
   A. Denies the allegations contained in the written complaint received by the district, or
   B. Shall implement reasonable measures to eliminate any such act, conditions or circumstance.

(3) Such corrective measures deemed necessary shall 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.

Appeal to Board of Directors – Level Two

(1) If a complainant remains aggrieved as a result of the action or inaction of the superintendent he/she may file a written notice of appeal with the secretary of the board by the 10th calendar day following the date upon which the complainant received the superintendent's response, or the expiration of the 30 calendar day response period stated in level one whichever occurs first.

(2) The board shall schedule a hearing to commence by the 20th calendar day following the filing of the written notice of appeal. Both parties shall be allowed to present such witnesses and testimony as the board deems relevant and material. The board shall render a written decision by the 10th calendar day following the termination of the hearing and shall provide a copy to all parties involved.

Appeal to the Superintendent of Public Instruction – Level Three

(1) In the event a complainant charging discrimination remains aggrieved with the decision of the board of directors in connection with any matter which, if established, would constitute a violation, the complainant may appeal the board's decision to the superintendent of public instruction.

(2) A notice of appeal must be received by the superintendent of public instruction on or before the tenth (10th) day following the date upon which the complainant received written notice of the board of directors' decision.

(3) A notice of appeal must be in writing in the form required by the superintendent of public instruction and must set forth a concise statement of the original complaint and the portions of the board of directors' decision which is appealed. In addition, the suggested recommendations for resolution or remediation of the alleged complaint set forth in the original statement of complaint must be included.

INTERNAL MONITORING AND REPORTING PROCESS

It will be the responsibility of the superintendent, building administrators, personnel department personnel and their designees to monitor for compliance with the Employment Affirmative Action Plan. Through the diligent application of the policies, procedures and practices outlined elsewhere in this plan, the following will be accomplished:

(1) Internal and external dissemination of information on equal employment opportunities on an ongoing basis;
(2) Development of action oriented programs designed to continue to provide equal employment opportunities for all;
(3) Identification of problem areas and active participation in efforts to provide solutions to those problems;
(4) Support for internal audit and reporting systems that measure the effectiveness of this plan as well as support for remediation when appropriate to help attain goals;
(5) Assure compliance with the program at all levels of leadership;

Recruitment practices of the district include the dissemination of job placement materials to the maximum number of regional career centers, all school districts in ESD 112, The Washington Education Association and Office of State Superintendent of Public Instruction Employment Hotlines.

Methods of Dissemination of Equal Employment Opportunity Policy (5010)

The superintendent will be responsible for the internal and external dissemination of the district's equal employment opportunity information; however, all employees are responsible for its success.

This information as outlined in policy, as well as the Employment Affirmative Action Plan, regulations and procedures developed according to it, shall be disseminated widely to staff in all classifications via various means such as, but not limited to:

a. Beginning of the year staff trainings
b. Postings on the district website
c. Inclusion in handbooks and annual publications as appropriate
d. Information on bulletin boards
e. Union meetings
f. Nonunion work policy

In addition, this same information will be disseminated to the community-at-large and to all interested patrons and organizations via various means such as, but not limited to:

a. Written notice to all recruiting sources that the district is an Equal Opportunity Employer
b. Incorporate an Equal Employment Opportunity clause in all purchase orders, leases, contracts, and vendors contracts, etc.
c. Notify community agencies, schools and colleges of the district's policy on Equal Employment Opportunity and encourage them to refer applicants to the district
d. Inform all job applicants at interviews or while making applications of the Equal Employment Opportunities in the district
e. Use "Equal Opportunity Employer" in all job advertisements

It has been and continues to be the policy of La Center School District No. 101 to recruit, hire, and promote qualified persons, as well as train employees for promotion, in all job classifications without regard to race, color, religion, sex, age, national origin, marital status, or qualified individuals with disabilities, disabled veteran status, or Vietnam or more recent military action veteran status.

It will be the responsibility of all personnel to conduct themselves in their daily activities in such a way as to ensure that all personnel actions with respect to compensation, benefits, privileges, promotions, layoffs, returns from layoff, social and recreational program, will be administered without regard to race, color, religion, sex, age, national origin, marital status, or qualified individuals with disabilities. Therefore, all employees must be aware at all times of the spirit and principal of Equal Employment Opportunity, and cooperate fully to assure the success of the Employment Affirmative Action program.

The superintendent of schools will serve as Employment Affirmative Action officer, unless otherwise designate.

PROBLEM AREA INDENTIFICATION

The La Center School District is located in rural Southwest Washington approximately 30 miles North of Portland, Oregon. The district serves an average of 1600 students K-12 and employs 143 staff.

The community of La Center is comprised of approximately 7,500 people, 2,500 of whom reside inside the La Center City limits. A true "bedroom" community to the Portland/Vancouver urban area with no industrial areas and only a small commercial area (consisting of several card room "Casinos" with attendant restaurants, two gas stations with mini-marts, a dentist, dog groomer, knick-knack shop, bank and two hair salons), La Center is not a self-sufficient community. With very limited public transportation, no local access to social services and almost no multi-family and/or affordable housing options La Center's appeal as a place to live and/or work does not fit a very broad demographic.

Despite our best efforts to let our commitment to Equal Employment Opportunities be known and a genuine effort to proactively pursue Employment Affirmative Action, there is a large part of the population to whom we do not appeal. Many people, whether due to dependence on public transportation or a belief that we are "too far out in the sticks" simply do not consider employment "way out here" desirable.

Exacerbating the situation is a lack of employment opportunities due to very little turnover in our staff. 67% of our current staff has been here more than 5 years and of that 67%, 78% have been here longer than 10 years. Of those currently employed and those who consistently apply when we do have an opening, we find the vast majority match up very closely with the demographic of who chooses to live in La Center as well. In other words, our biggest obstacle to diversifying our workforce is attracting a broader demographic and although our workforce demographic is consistent with our community demographic, it appears to us that our community's limitations is the biggest inhibitor to successful recruitment of a more diverse workforce.

Workforce Analysis by Race, Ethnicity, and Sex

RACE*

White/Not of Hispanic Origin	Black/Not of Hispanic Origin	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	Unknown (Chose not to Designate on Voluntary Disclosure Form)
14	0	2	0	1	126
.09%	.00%	.01%	.00%	.007%	.88%

ETHNICITY**

WE HAVE NO DATA ON THE ETHNICITY OF OUR WORKFORCE

SEX

	White/Not of Hispanic Origin	Black/Not of Hispanic Origin	Hispanic	Asian or Pacific Islander	American Indian or Alaskan Native	Unknown (Chose Not to Designate on Voluntary Disclosure Form)	Total Percentages
MALE	5	0	0	0	1	30	25%
FEMALE	9	0	2	0	0	96	75%

***RACE is determined by the completion of a form asking for the *VOLUNTARY* disclosure of information as to whether or not a person belongs to one of the designated groups as outlined above. These designated groups are generally accepted as "Racial" for state and federal reporting purposes and may or may not be considered a "Racial Minority". If a person chooses NOT to disclose the requested information, the district does not make assumptions as to RACE based on appearances, etc. and lists that person as "unknown".**

****ETHNICITY, being defined as "ethnic traits, background, allegiance, or association" with a "distinctive culture, religion or language" is not information the district has any mechanism for gathering or documenting, making it virtually impossible to report. A person's "ethnicity" is of no importance to the district except as required for reports required by the state or federal government. The district is at a loss as to what would constitute an appropriate form of collection of data on ethnicity and requests that OSPI provide guidance in the way of forms, etc. to help this district comply with gathering this data if, indeed, it is necessary.**