



**Arlington School District No. 16**

**Affirmative Action Plan**

**2022-2027**

**Adopted by the Board of Directors on May 23, 2022**

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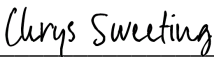
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## INTRODUCTION AND REAFFIRMATION OF POLICY

This is the Affirmative Action Plan (AAP) for the Arlington School District No. 16 (“District”). It is utilized as an opportunity to measure progress and to reaffirm our long-standing policy and commitment to equal opportunity in employment. We believe education enhancement requires consistently fair and equitable educational and employment practices without regard to race, religion, creed, color, national origin, age, honorably discharged veteran or military status, sex, sexual orientation, 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. For this reason, the District seeks to employ and promote individuals that represent diverse talents, contributions, abilities and experiences representative of our society and that are essential to a quality education program.


The Affirmative Action Plan presented here is designed for the years 2022-2027. Although the plan covers a five-year period, it is recognized that, to be effective, it will require continuous evaluation and revision to correct disparities in the utilization of employees where they may exist in the Arlington School District workforce. Modifications due to decisions by state and federal courts will also be ensured.

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Dr. Chrys Sweeting  
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Arlington School District No. 16

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Mary Levesque  
President, Board of Directors  
Arlington School District No. 16

## **PURPOSE**

It is the purpose of the District's AAP to promote, monitor, and maintain the District's affirmative action and equal employment opportunity policies. These policies provide for equal employment opportunities for all employees and applicants for employment without unlawful discrimination on the basis of race, religion, creed, color, national origin, age, honorably discharged veteran or military status, sex, sexual orientation, 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 promote diversity in the District's workforce.

It is also the purpose of the District's AAP to identify at all levels of the workforce, areas of underutilization of racial minorities and women. This Plan is designed to promote outreach, recruitment, training, and education efforts intended to expand the pool of applicants in the relevant labor area having the requisite qualifications to perform the essential job functions of the positions.

This Plan advances equal opportunity without preferential treatment and is also designed to ensure that the District's policies are properly implemented without unlawful discrimination on the basis of race, religion, creed, color, national origin, age, honorably discharged veteran or military status, sex, sexual orientation, 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.

## **PROCEDURE - 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 AAP. 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:

### **Affirmative Action Plan**

In order to secure an equitable solution to a justifiable complaint 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, persons with disabilities, racial and ethnic minorities, women and 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 underutilized 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, persons with disabilities, racial and ethnic minorities, women and veterans in the recruitment and employment process. Job descriptions for classified staff will be sent to the Washington State Employment Security Department and other organizations which are recruiting sources for groups that may be underutilized in the District's work force. 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, persons with disabilities, racial and ethnic minorities, women and 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. Provide mentoring and management development training to assure that individuals of underutilized groups are prepared for positions of new and increased responsibility.

Implementation of the AAP will be the responsibility of the Superintendent. Administrators will assist in the attainment of the established goals and purposes of this AAP. Much of the work of the Affirmative Action Plan is delegated to the Human Resources Department and the Executive Director of Human Resources is designated as the Compliance Officer.

#### **Dissemination**

The District will disseminate information concerning employment and developments under the AAP 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, school libraries, and offices;
- B. Publishing on the District website;
- C. Including the District's affirmative action statement on all postings and the employment page on the District website;
- D. Including appropriate equal opportunity clauses in all external documents such as leases and contracts, as required, in order to reaffirm to our contractors, vendors and suppliers our AAP;
- E. Conducting meetings with administrative staff to explain the policy and plan;
- F. Informing appropriate and interested recruiting and hiring sources; and
- G. Informing all representative staff groups in the District.

#### **Responsibility for Implementation and Evaluation**

The responsibility of the Compliance Officer or designee will be to:

- A. Implement control systems that will assure equal application of District policies and monitor the effectiveness of this Plan.
- B. Assure the District is in compliance with current applicable anti-discrimination laws, rules and regulations through periodic internal audits.
- C. Work with administrators and employees of the District to assure understanding and support for the program.
- D. Establish specific training, recruiting, and hiring processes necessary to accomplish the goals of the AAP.
- E. Keep management and employees informed of changes and updates regarding this policy.
- F. Conduct training for all new employees on the prevention of sexual and other forms of protected class harassment. Continuing employees will also be given refresher courses minimally every three years.
- G. Ensure a record system will be maintained by the Human Resources Department that collects data on the District employees in the areas of race, sex, age, handicapping conditions, and veteran status for all job categories.
- H. Ensure the Equal Employment Opportunity policy and all posters required by law will be conspicuously posted in all buildings.
- I. Report to the Board of Directors on specific progress of the AAP.

**The Compliance Officer is:**

Executive Director of Human Resources  
Arlington School District No. 16  
315 N French Avenue  
Arlington, WA 98223  
Phone: 360.618.6212  
edejong@asd.wednet.edu

**UNDERUTILIZATION ANALYSIS**

**Development of Analysis**

The terms “utilization analysis” and “underutilized” appearing in this AAP 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 AAP 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.

In order to determine whether goals are needed for an AAP, it is first necessary to determine the percentage of females and minorities available in the work force. This is done through an “availability analysis” using data from Census data for Snohomish County (see footnotes for Table 1 &2). 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.

## **Utilization Analysis for Minorities and Gender Composition**

The term "underutilization" is taken from the regulations promulgated by the Office of Federal Contract Compliance Programs. This term has no independent legal or factual significance whatsoever. The term "underutilization" as used in this policy means having fewer members of an affected group in a particular job category than reasonably would be expected upon their availability. The statistical comparisons in this section involve the use of workforce statistics for geographic areas relevant to the Snohomish County area derived from public census reports (see footnotes for Table 1 & 2). The use of such geographic area and statistics is intended only for the purpose of implementing this Plan and facilitating identification of areas of potential underutilization. When the term goal is used, it is expressly intended that it should not be used to discriminate against any applicant or employee because of race, religion, creed, color, national origin, age, honorably discharged veteran or military status, sex, sexual orientation, 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.

Many comparisons herein involve various sources of statistics. The use of such statistics is intended only for the purpose of implementing this AAP and will be used in good faith.

This analysis is based on a comparison of the composition of the District's workforce with the availability of ethnic minorities and women in various job classifications based on census information as summarized in Tables 1 and 2. To identify instances of underutilization, the 4/5 or 80% rule was applied.

Further analysis applying the "4/5 or 80% rule" was conducted to identify underutilization which is statistically significant. Where underutilization is identified, the long-range goal is to eliminate such underutilization. When this is accomplished, the goal will no longer remain. An annual utilization review for the various job categories will be the basis of measuring progress toward this goal. In addition, where underutilization is identified, an immediate, short-range goal is to hire qualified underutilized individuals for the affected job category in a proportion which is at least equal to the proportion of underutilized individuals available in the job market.

The steps used to conduct the 4/5 or 80% rule are:

- Calculate the percentage of minorities and women available in the labor market.
- Calculate the percentage of minority and women employees.
- Determine whether the percentage of employees is less than, greater than, or equal to 4/5 of the available labor market.

## **Job Groups**

The ten job groups that were identified for tracking are: education administrators, elementary and middle school teachers, secondary teachers (high school), professionals, administrative support, classified support personnel, food service, custodial, maintenance and grounds, and transportation.

**Table 1. Minority Utilization Analysis**

<b>Arlington School District Utilization Analysis--Minority May 2022</b>								
<b>Job Code<sup>1</sup> or EEO Category<sup>2</sup></b>	<b>Job Group</b>	<b>Total Minority</b>	<b>Total Employees</b>	<b>Percent Minority</b>	<b>Total Availability</b>	<b>Statistically Expected Utilization*</b>	<b>Under- utilized</b>	<b>Persons Under- utilized</b>
0230	Education Admin <sup>3</sup>	1	37	3%	11%	9%	Yes	2
2300, 2310	Elem. & Middle School Teachers	10	234	4%	15%	12%	Yes	18
2320	Sec. Teachers	7	91	8%	12%	10%	Yes	2
Professionals	Professionals <sup>4</sup>	5	40	13%	22%	18%	Yes	2
Admin Support	Administrative Support <sup>5</sup>	5	84	6%	21%	17%	Yes	9
2545	Classified Support Personnel <sup>6</sup>	16	165	10%	22%	17%	Yes	13
4020	Food Service	4	38	11%	38%	30%	Yes	8
4220	Custodial	6	25	24%	38%	30%	Yes	2
4251	Maintenance & Grounds	1	15	7%	53%	42%	Yes	5
9121, 7140	Transportation	0	39	0%	22%	17%	Yes	7
	<b>Total</b>	<b>55</b>	<b>768</b>	<b>7%</b>				

<sup>1</sup> EEO-ALL02W - Occupation by Sex and Race/Ethnicity for Worksite Geography, Total Population;  
<https://www.census.gov/acs/www/data/eo-data/eo-tables-2018/tableview.php?geotype=county&county=05000us53061&filetype=all2w&geoName=Snohomish County, Washington>

<sup>2</sup> EEO-ALL04W - EEO-1 Job Categories by Sex and Race/Ethnicity for Worksite Geography, Total Population;  
<https://www.census.gov/acs/www/data/eo-data/eo-tables-2018/tableview.php?geotype=county&county=05000us53061&filetype=all4w&geoName=Snohomish County, Washington>

<sup>3</sup> Educational Admin--Superintendent, Executive Directors, Directors, Principals, Assistant Principals, Supervisors, and Managers.

<sup>4</sup> Professionals--Counselors, Psychologists, Occupational Therapists, Physical Therapists, Certificated Intervention Specialists, and Teachers on Special Assignment. Speech/Language, NJROTC Instructor, TOSA's, RN's.

<sup>5</sup> Administrative Support--Fiscal personnel, HR specialists, LPN's, Secretaries, Admin Assistants, Health Room Assistants, and Technology staff.

<sup>6</sup> Classified Support Personnel includes--Paraeducators, Intervention Specialists, Interpreter/Tutors, ECEAP staff, School-to-Work Coordinator, BPAC staff, Student Support Advocates, SLPA's, and Campus Monitors.



**Table 2. Gender Utilization Analysis**

<b>Arlington School District Utilization Analysis--Female May 2022</b>								
<b>Job Code<sup>1</sup> or EEO Category<sup>2</sup></b>	<b>Job Group</b>	<b>Total Female</b>	<b>Total Employees</b>	<b>Percent Female</b>	<b>Total Availability<sup>5</sup></b>	<b>Statistically Expected Utilization*</b>	<b>Under- utilized</b>	<b>Number Under- utilized</b>
0230	Education Admin <sup>3</sup>	23	37	62%	71%	57%	No	
2300, 2310	Elem. & Middle School Teachers	194	234	83%	84%	67%	No	
2320	Sec. Teachers	47	91	52%	67%	53%	Yes	1
Professionals	Professionals <sup>4</sup>	35	40	88%	50%	40%	No	
Admin Support	Administrative Support <sup>5</sup>	77	84	92%	77%	61%	No	
2545	Classified Support Personnel <sup>6</sup>	155	165	94%	90%	72%	No	
4020	Food Service	36	38	95%	53%	43%	No	
4220	Custodial	11	25	44%	52%	41%	No	
4251	Maintenance & Grounds	3	15	20%	10%	8%	No	
9121, 7140	Transportation	25	39	64%	11%	9%	No	
	<b>Total</b>	<b>606</b>	<b>768</b>	<b>79%</b>				

<sup>1</sup> EEO-ALL02W - Occupation by Sex and Race/Ethnicity for Worksite Geography, Total Population;  
<https://www.census.gov/acs/www/data/eo-data/eo-tables-2018/tableview.php?geotype=county&county=05000us53061&filetype=all2w&geoName=Snohomish County, Washington>

<sup>2</sup> EEO-ALL04W - EEO-1 Job Categories by Sex and Race/Ethnicity for Worksite Geography, Total Population;  
<https://www.census.gov/acs/www/data/eo-data/eo-tables-2018/tableview.php?geotype=county&county=05000us53061&filetype=all4w&geoName=Snohomish County, Washington>

<sup>3</sup> Educational Admin--Superintendent, Executive Directors, Directors, Principals, Assistant Principals, Supervisors, and Managers.

<sup>4</sup> Professionals--Counselors, Psychologists, Occupational Therapists, Physical Therapists, Certificated Intervention Specialists, and Teachers on Special Assignment. Speech/Language, NJROTC Instructor, TOSA's, RN's.

<sup>5</sup> Administrative Support--Fiscal personnel, HR specialists, LPN's, Secretaries, Admin Assistants, Health Room Assistants, and Technology staff.

<sup>6</sup> Classified Support Personnel includes--Paraeducators, Intervention Specialists, Interpreter/Tutors, ECEAP staff, School-to-Work Coordinator, BPAC staff, Student Support Advocates, SLPA's, and Campus Monitors.

### Analysis of Utilization Statistics

The following narrative is based on 2022 Arlington School District data compared against the 2014-18 Snohomish County census data found in Tables 1 & 2. The census data for employment statistics is only available on a county by county basis. Therefore, differences in demographics between the city of Arlington and Snohomish County are nearly impossible to take into account in the utilization analysis. One data-point that can be found is the percentage of persons identifying as white in Snohomish County (77%) vs. the City of Arlington (81%<sup>7</sup>). Therefore, the availability of minority employees may be slightly lower in Arlington vs. Snohomish County as a whole.

The analysis indicates that females are statistically underutilized in the category of Secondary Teachers. Minorities are statistically underutilized in all categories.

A discussion of the job categories is as follows:

1. Education Administrators:
  - a. Female availability in this category is 71%, expected utilization is 57%, and current utilization is 62%. The District exceeds the expected utilization in this category.
  - b. Minority availability in this category is 11%, expected utilization is 9%, and current utilization is 3%. The District is underutilized in this category by 2 staff members (out of 37 total).
2. Elementary and Middle School Teachers:
  - a. Female availability in this category is 84%, expected utilization is 67%, and current utilization is 83%. The District exceeds the expected utilization in this category.
  - b. Minority availability in this category is 15%, expected utilization is 12%, and current utilization is 4%. The District is underutilized by 18 staff members (out of 234 total).
3. Secondary Teachers:
  - a. Female availability in this category is 67%, expected utilization is 53%, and current utilization is 52%. The District is underutilized in this category by 1 staff member (out of 91 total).
  - b. Minority availability in this category is 12%, expected utilization is 10%, and current utilization is 8%. The District is underutilized in this category by 2 staff members (out of 91 total).
4. Professionals:
  - a. Female availability in this category is 50%, expected utilization is 40%, and current utilization is 88%. The District exceeds the expected utilization in this category.
  - b. Minority availability in this category is 22%, expected utilization is 18%, and current utilization is 13%. The District is underutilized in this category by 2 staff members (out of 40 total).
5. Administrative Support:
  - a. Female availability in this category is 77%, expected utilization is 61%, and current utilization is 92%. The District exceeds the expected utilization in this category.

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<sup>7</sup> <https://www.census.gov/quickfacts/fact/table/snohomishcountywashington,US/RHI125220>

- b. Minority availability in this category is 21%, expected utilization is 17%, and current utilization is 6%. The District is underutilized in this category by 9 staff members (out of 84 total).
- 6. Classified Support Personnel:
  - a. Female availability in this category is 90%, expected utilization is 72%, and current utilization is 94%. The District exceeds the expected utilization in this category.
  - b. Minority availability in this category is 22%, expected utilization is 17%, and current utilization is 10%. The District is underutilized in this category by 13 staff members (out of 165 total).
- 7. Food Service:
  - a. Female availability in this category is 53%, expected utilization is 43%, and current utilization is 95%. The District exceeds the expected utilization in this category.
  - b. Minority availability in this category is 38%, expected utilization is 30%, and current utilization is 11%. The District is underutilized in this category by 8 staff members (out of 38 total).
- 8. Custodial:
  - a. Female availability in this category is 52%, expected utilization is 41%, and current utilization is 44%. The District exceeds the expected utilization in this category.
  - b. Minority availability in this category is 38%, expected utilization is 30%, and current utilization is 24%. The District is underutilized in this category by 2 staff members (out of 25 total).
- 9. Maintenance & Grounds:
  - a. Female availability in this category is 10%, expected utilization is 8%, and current utilization is 20%. The District exceeds the expected utilization in this category.
  - b. Minority availability in this category is 53%, expected utilization is 42%, and current utilization is 7%. The District is underutilized in this category by 5 staff members (out of 15 total).
- 10. Transportation:
  - a. Female availability in this category is 11%, expected utilization is 9%, and current utilization is 64%. The District exceeds the expected utilization in this category.
  - b. Minority availability in this category is 22%, expected utilization is 17%, and current utilization is 0%. The District is underutilized in this category by 7 staff members (out of 39 total).

**AFFIRMATIVE ACTION GOALS**

For all group categories where the Arlington School District has not met expected utilization, within the next five years, the District will continue its efforts to increase utilization of minorities and/or women. To this end, the main goals of the AAP are the following: promote equal opportunities in the District; increasing the pool of diverse and qualified applicants for employment; and promoting a culture of respect and diversity within the workplace.

Supportive Activities and Actions to Meet Goals:

Recruitment: Actively seek a diverse pool of qualified applicants from all protected groups.

- Provide current employees with access to information about job openings and announcements.
- Ensure recruitment includes minority populations and organizations.
- Attend job fairs where a diverse population will attend.
- Analyze job descriptions and the hiring process to make sure that qualification requirements and screening criteria are based on specific job functions and do not have the effect of screening out protected group applicants who have the ability to perform District jobs.
- Provide personal support for completing the application to assure the process is not a barrier to employment opportunities.
- Advertising in appropriate media outlets.
- Increase outreach to parents and community about employment opportunities.
- Partnering with local colleges and universities through internships.
- “Grow our own”--Encourage students and staff of protected groups to seek job openings now and in the future.

Hiring: Ensure that the District does not unlawfully discriminate against any person on the basis of any protected status during the hiring process of upon employment.

- Ensure hiring panel members are oriented to the specific job requirements.
- Ensure bias-free selection processes by forming diverse hiring committees, evaluating potential employees on job-related criteria, and completing and maintaining necessary records such as the interview rating forms of panel members.
- Train all personnel responsible for hiring to ensure fairness and identify potential biases.

Training & Retention: Promote a culture of respect and diversity in the workplace and ensure that employees are aware of the AAP.

- Provide current employees with training and experience that will assist in qualifying them for career advancement.
- Provide knowledge and skills training programs which are reasonably available to employees.
- Provide training and assessment to ensure that staff are culturally responsive and recognize the importance of a collaborative work environment; ethnic jokes and harassment of any kind will not be tolerated.
- Identify and support current minority certified employees interested in entering administrative programs.
- Provide a variety of professional development opportunities that include topics such as Universal Design for Learning and culturally responsive, inclusionary, and restorative practices.

**INTERNAL AUDIT AND MONITORING SYSTEM**

The Superintendent’s Office, in compliance with WAC 162-12, Pre-employment Inquiry Guide, will record applicant flow, new hires, promotions, transfer requests, transfers, administrative internships and terminations by age, race, sex, and other protected status. An analysis will be made of the internal and external work force availability of racial and ethnic minorities and women.

The District will evaluate the effectiveness of the nondiscrimination and Affirmative Action Plan and report its status to the Board annually. Such reports may include recommendations for changes in the

Affirmative Action Plan goals. The overall responsibility for monitoring and auditing this policy is assigned to the Superintendent or designee. The duties include:

- A. Analysis of the categories of employment in relation to Affirmative Action Plan 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 plan;
- 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 Plan; and
- F. Keeping the Superintendent advised of the progress in implementing the goals and procedures of this Affirmative Action Plan.

## **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 Plan. 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 the 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** means the person alleged to be responsible or who may be responsible for the violation alleged in the complaint.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint. To this end, specific steps will be taken. The District is prohibited by law from intimidating, threatening, coercing or discriminating against any individual for the purpose of interfering with their right to file a grievance under this procedure and from retaliating against an individual for filing such a grievance.

### **A. Informal Process for Resolution**

When a staff member has an employment problem concerning equal employment opportunity, he/she will discuss the problem with the immediate supervisor, human resources 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.

## **B. Formal Process for Resolution**

### **Level One: Complaint to District**

The complaint must set forth the specific acts, conditions, or circumstances alleged to be in violation. Upon receipt of a complaint, the Compliance Officer will provide the complainant a copy of this procedure. The Compliance Officer will investigate the allegations within thirty (30) calendar days. The 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 or designee will respond to the complainant with a written decision as expeditiously as possible, but in no event later than thirty (30) calendar days following receipt of the written complaint, unless otherwise agreed to by the complainant or if exceptional circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the District will notify the complainant in writing of the reason for the extension and the anticipated response date. At the time the District responds to the complainant, the District must send a copy of the response to the Office of the Superintendent of Public Instruction.

The decision of the Superintendent or designee will include: 1) a summary of the results of the investigation; 2) whether the District has failed to comply with anti-discrimination laws; 3) if non-compliance is found, corrective measures the District deems necessary to correct it; and 4) notice of the complainant's right to appeal to the School Board and the necessary filing information. 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 thirty (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, the 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 a hearing to commence by the twentieth (20) calendar day following the filing of the written notice of appeal unless otherwise agreed to by the complainant and the Superintendent or for good cause. Both parties will be allowed to present such witnesses and testimony as the Board deems relevant and material. Unless otherwise agreed to by the complainant, the Board will render a written decision within thirty (30) calendar days following the filing of the notice of appeal and provide the complainant with a copy of the decision. The decision of the Board will be provided in a language the complainant can understand, which may require language assistance for

complainants with limited English proficiency in accordance with Title VI of the Civil Rights Act. The decision will include notice of the complainant's right to appeal to the Office of the Superintendent of Public Instruction and will identify where and to whom the appeal must be filed. The District will send a copy of the appeal decision to the Office of the Superintendent of Public Instruction.

### **Level Three: Complaint to the Superintendent of Public Instruction**

If a complainant disagrees with the decision of the Board of Directors, or if the District fails to comply with this procedure, the complainant may file a complaint with the Office of the Superintendent of Public Instruction (OSPI).

1. A complaint must be received by the Office of 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 Office of the Superintendent of Public Instruction grants an extension for good cause. Complaints may be submitted by mail, fax, electronic mail, or hand delivery.
2. A complaint must be in writing and include: 1) A description of the specific acts, conditions or circumstances alleged to violate applicable anti-discrimination laws; 2) The name and contact information, including address, of the complainant; 3) The name and address of the District subject to the complaint; 4) A copy of the District's complaint and appeal decision, if any; and 5) A proposed resolution of the complaint or relief requested.
3. Upon receipt of a complaint, the Office of 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 non-compliance issues it has identified. The written decision will include corrective actions deemed necessary to correct non-compliance 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, RCW Chapter 34.05.

### **C. Mediation**

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

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

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

### **District Contact**

Executive Director of Human Resources  
Arlington School District No. 16  
315 N French Avenue  
Arlington, WA 98223  
Phone: 360.618.6212

### **State Contacts**

Superintendent of Public Instruction  
Equity and Civil Rights Office  
P.O. Box 47200  
Olympia, WA 98504-7200  
Phone: 360.725.6162

Washington State Human Rights Commission  
711 South Capitol Way, Suite 402  
P.O. Box 42490  
Olympia, WA 98504-2490  
Phone: 360.753.6770

Office for Civil Rights  
U.S. Department of Education  
915 Second Avenue, Room 3310  
Seattle, WA 98174; Phone: 206.607.1600