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**Nondiscrimination and Affirmative Action– 5010**

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**Nondiscrimination**

The District complies with all applicable federal and state rules and regulations and does not discriminate on the basis of sex, race, creed, religion, color, national origin, age, honorably discharged veteran or military status, sexual orientation, including gender expression or identity, 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 in its programs and activities, or employment related matters, and provides equal access to the Boy Scouts and other designated youth groups.

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

The District's nondiscrimination statement will be included in written announcements, notices, recruitment materials, employment applications, and other publications made available to employees.

The District will provide training to administrators, certificated, classroom and extra-curricular personnel on their responsibilities under the law and District procedures, and to raise awareness of and to eliminate bias based on the categories identified in this Regulation.

***Affirmative Action***

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

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

This Regulation, as well as the affirmative action plan, Regulations and procedures developed according to it, will be disseminated widely to staff in all classifications and to all interested patrons and organizations. Progress toward the goals established under this Regulation will be reviewed annually by the superintendent.

***Employment of Persons with Disabilities***

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

- A. No qualified person with disabilities will, solely by reason of a disability, be subjected to discrimination and the District will not limit, segregate or classify any applicants for employment or any staff member in any way that adversely affects his/her opportunities or status because of a disability. This prohibition applies to all aspects of

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employment from recruitment to promotions, and includes fringe benefits and other elements of compensation;

- B. 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 to the District 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;
- C. The District will not make use of any employment test or criteria that screens out persons with disabilities unless:
- A. The test or criteria is clearly and specifically job-related; and
  - B. Alternative tests or criteria that do not screen out persons with disabilities are available;
- D. While the District may not make pre-employment inquiry as to whether an applicant has a disability or as to the nature and severity of any such disability, it may inquire into an applicant's ability to perform job-related functions; and
- E. Any staff member who believes that there has been a violation of this Regulation 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:** Regulation 2029  
Regulation 5270  
Regulation 5407

Animals on District property  
Resolution of Staff Complaints  
Military Leave

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### **Legal References:**

<a href="#">RCW 28A.400.310</a>	Law against discrimination applicable to Districts' employment practices
<a href="#">RCW 28A.640.020</a>	Regulations, guidelines to eliminate discrimination — Scope — Sexual harassment policies
<a href="#">RCW 28A.642</a>	Discrimination prohibition
<a href="#">RCW 49.60</a>	Discrimination — Human rights commission
<a href="#">RCW 49.60.030</a>	Freedom from discrimination — Declaration of civil rights
<a href="#">RCW 49.60.180</a>	Unfair practices of employers
<a href="#">RCW 49.60.400</a>	Discrimination, preferential treatment prohibited
<a href="#">RCW 73.16</a>	Employment and Reemployment
<a href="#">WAC 392-190</a>	Equal Education Opportunity – Unlawful Discrimination Prohibited
<a href="#">WAC 392-190-0592</a>	Public school employment — Affirmative action program
<a href="#">42 USC §§2000e1 – 2000e10</a>	Title VII of the Civil Rights Act of 1964
<a href="#">20 USC §§1681 - 1688</a>	Title IX Educational Amendments of 1972
<a href="#">42 USC 12101 – 12213</a>	Americans with Disabilities Act
<a href="#">8 USC §1324</a>	(IRCA) Immigration Reform and Control Act of 1986
<a href="#">38 USC §§ 4301-4333</a>	Uniformed Services Employment and Reemployment Rights Act
<a href="#">29 USC§ 794</a>	Vocational Rehabilitation Act of 1973
<a href="#">34 CFR § 104</a>	Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance
38 USC 4212	Vietnam Era Veterans Readjustment Act of 1974 (VEVRAA)

### **Management Resources:**

<i>Policy News</i> , December 2014	Nondiscrimination in schools addressed
<i>Policy</i> , June 2011	Laws Against Discrimination Address Equal Education Opportunities
<i>Policy News</i> , February 2011	Nondiscrimination