

## **NONDISCRIMINATION AND AFFIRMATIVE ACTION**

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 on the basis of race, color, national origin, creed, religion, age, honorably-discharged veteran or military status, sex, sexual orientation including gender expression or identity, marital status, genetic information, 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.

Staff shall be free from harassment based on legally protected attributes or characteristics.

The superintendent shall designate a staff member to serve as Affirmative Action/ Title IX 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, disabled, ethnic minorities, women and 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, disabled, ethnic minorities and women and 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 of Directors.

**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.
- B. The district shall 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.
- C. The district shall not make use of any employment test or criteria that screens out persons with disabilities unless:
  - 1. The test or criteria is clearly and specifically job-related, and
  - 2. 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.
- E. 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,  
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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.

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Cross Reference:	Policy 5270 Policy 5407	Resolution of Staff Complaints Military Leave
Legal References:	RCW 28A.400.310 49.60 49.60.030 49.60.180 73.16  RCW 28A.640.020  RCW 28A.642 RCW 49.60 RCW 49.60.030  RCW 49.60.180 RCW 49.60.400  RCW 73.16   WAC 392-200 WAC 392-200-015   42 USC 2000e1 – 2000e10 20 USC § 1681 – 1688 42 USC §§ 12101-12213	Law against discrimination applicable to district's employment practices Discrimination – Human rights commission Freedom from discrimination - Declaration of civil rights Unfair practices of employer defined Discrimination, preferential treatment prohibited. Employment and Re-employment  Regulations, guidelines to eliminate discrimination—Scope – Sexual harassment policies Discrimination Prohibition Discrimination – Human Rights Commission Freedom from discrimination – Declaration of Civil Rights Unfair Practices of Employers Discrimination, preferential treatment Prohibited Veterans and Veterans’ Affairs – Employment and Re-employment  School personnel -- Employment Discrimination Public school employment -- Affirmative action program  Title VII of the Civil Rights Act of 1964 Title IX Educational Amendments of 1972 Americans with Disabilities Act

8 USC 1324	(IRCA) Immigration Reform and Control Act of 1986
38 USC §§ 4301-4333	Uniformed Services Employment and Re-employment Rights Act
29 USC 794	Vocational Rehabilitation Act of 1973
34 CFR § 104	Nondiscrimination on the basis of handicap in Programs or activities receiving federal financial assistance
29 USC 794	Vocational Rehabilitation Act of 1973

Adoption Date: 04/17/95  
Adopted Combined: 5010, 5011, 5012 – 10/04/05  
Last Revised: 10/04/05, 2/05/08, 11/03/09, 12/01/09; 06/21/11

## **NONDISCRIMINATION AND AFFIRMATIVE ACTION**

### **I. 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 shall be adversely affected in any way because the staff member utilized these procedures. As used in this procedure, "Grievance" 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.

The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint to this and, the following steps shall be taken:

#### **Informal Review Procedures**

When a staff member has an employment problem concerning equal employment opportunity, he/she shall 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 Title IX officer to participate in the informal review procedure. 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 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.

#### **Level One - Formal Review**

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 shall investigate the allegations set forth within 30 calendar days of the filing of the charge. The officer shall provide the superintendent with a full written report of the complaint and the results of the investigation. 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.

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.

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.

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

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:

- A. The date upon which the complainant received the superintendent's response, or
- B. The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.

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.

### **Level Three – Appeal to the Superintendent of Public Instruction**

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.

- A. 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.
- B. A notice of appeal must be in writing in the form required by the superintendent of public instruction and must set forth:
  - 1. A concise statement of the original complaint and the portions of the board of directors' decision, which is appealed.

2. The suggested recommendations for resolution or remediation of the alleged complaint set forth in the original statement of complaint.

### **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, shall be retained in the office of the district compliance officer for a period of 5 years.

## **II. AFFIRMATIVE ACTION PLAN**

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 shall 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, disabled, 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 under-utilized classes in the employment process, not to exclude others from it. The district shall 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 shall continue to use aged, disabled, ethnic minorities, women and veterans in the recruitment and employment process. Job descriptions for classified staff shall be sent to the Washington Employment Service and other organizations, which are recruiting sources for groups that may be under-utilized in the district's work force. Recruitment from colleges and universities shall 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, disabled, ethnic minorities and women at all levels and in all segments of the district's work force. Criteria for selecting staff shall be reviewed regularly to assure that such statements relate directly to the requirements for

specific positions. However, pursuant to state law there shall 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.

### **Staff Responsibility for Implementation, Monitoring and Evaluation**

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

The Affirmative Action/Title IX Officer will be the Director of Personnel.

The responsibility of the affirmative action officer will be to:

- A. Implement control systems that will measure program effectiveness and determine the level to which the goals have been obtained;
- B. Keep management and employees informed of affirmative action on a continual basis;
- C. Report annual progress to the superintendent of schools.

The overall responsibility for monitoring, reporting, and auditing this plan is:

Anna Shanks, Director of Personnel  
Aberdeen School District No. 5  
216 North G Street  
Aberdeen, WA 98520  
360-538-2004 FAX 360-538-2014

### **Dissemination**

The district shall 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 shall be disseminated by:

- A. Printing and distributing such information to staff, school libraries and offices;
- 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;
- F. Informing all representative staff groups in the district.
- G. Training in affirmative action policy and procedures for all administrative and supervisory personnel responsible for personnel actions; and
- H. Publicizing the District's equal opportunity policy statement on all job postings application forms and employment handbooks. Annual notice of policy will be publicized to the community.

### **Goals and Timelines**

The Aberdeen School District shall strive to achieve a rate of employment for minorities as measured by a percentage at least equal to the percentage of the Grays Harbor county population. The district shall strive to achieve a rate of employment, in regards to male/female balance at least equivalent to the goals and objectives of the Affirmative Action Program.

Goals and timetables have been projected for five (5) years commencing with the 2009-2010 school year. The following factors have been considered in formulating long-range goals.

- A. Financial Support – Goals and timetables will be subject to review with respect to district financial resources and allocation of funds. The district has experienced a significant enrollment decline and is projecting a continued decline in student enrollment in the next five years. Reduction in staff will be proportionate to decline in student enrollment.
- B. Minority Employment Goals – The district will strive to balance the staff's ethnic group representation by employing or promoting minority employees to reflect the ethnic ratio of Grays Harbor County. The availability of minority applicants and decreasing enrollment projections will be a factor in meeting our goals.

### **Male/Female Balance and Staff Goals**

The profile of the district's current utilization of women is set forth in Appendix A, Numerical Review and Analysis of Work Force. By the commencement of the 2009-2010 school year, the district shall strive to achieve a rate of employment in regard to sex at least equivalent to the goals set. The district shall see that measurable efforts are made in the utilization of women for higher

levels of responsibility in both certificated and classified positions. The district shall 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 shall not be used to meet stated goals or timelines. By the commencement of the 2014 school year, women shall be employed in job categories where they are currently not represented or are under-represented.

### **Administrators**

Goal: To place females in administrative positions.

Objectives: To place females in administrative positions as they become available.

To identify qualified potential candidates from inside and 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-when qualified without using preferential employment practices.

### **Teachers**

#### 1. 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 33%-67% men and/or women in the primary as well as the intermediate grades at each school, without using preferential employment practices.

#### 2. 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 45%-50% 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 33% to 67% men and/or women, without using preferential employment practices.

**Short-Term and Long-Term Goals for Male/Female Balance**

	2009		2012		2014	
	M	F	M	F	M	F
Administrative	9	10	9	9	8	9
Certificated	57	170	51	104	49	161
Classified	41	191	40	187	40	183
	107	371	100	360	97	353
	478		460		450	

**Ethnic Minority Balance and Staff Goals**

The Aberdeen School District believes that the staff’s ethnic group representation should reflect the diverse ethnicity in our district and community. It is the goal of the Aberdeen School District to balance the staff’s ethnic group representations by employing minority employees to reflect the ethnic population and workforce applicant availability of the community and surrounding area. The district shall make good faith effort to recruit, interview and employ individuals consistent with the district’s commitment to nondiscrimination and affirmative action for all positions and in every department, every school, and at every level of operation. Demotions or terminations shall not be used to meet stated goals and timelines. Both our short-term and long-range goal is to increase minority employee representation in job categories where they are currently not represented or are under-represented, without using preferential employment practices. The profiles of the district’s and the community’s ethnic group representation are set forth in Appendix A - Numerical Review Analysis of Work Force.

**Administrators**

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

**Objective:** To identify qualified potential candidates, from inside and 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 when qualified applicants are available, without using preferential employment practices.

**Teachers**

## 1. 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 representation in the available workforce.

## 2. 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 representation in the available workforce, 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 representation in the available workforce, without using preferential employment practices.

Short-Term Goals – Ethnic Representation  
Established for 2009 – 2012

	(2009)		Short Term Goal by 2012		Grays Harbor 2008
	No.	%	No.	%	%
Asian	9	1.9	9	1.9	1.2
African American	1	0.2	3	0.6	0.8
Hispanic	8	1.7	16	3.5	6.3
Native American	8	1.7	13	2.8	5.2
Caucasian	452	94.6	419	91.2	86.5
	<u>478</u>		<u>460</u>		

Long-Term Goals – Ethnic Representation  
Established for 2009 – 2014

	2009		Long Term Goal by 2014		Grays Harbor 2008
	No.	%	No.	%	%
Asian	9	1.9	9	2.0	1.2
African American	1	0.2	5	1.1	0.8
Hispanic	8	1.7	24	5.3	6.3
Native American	8	1.7	23	5.1	5.2
Caucasian	452	94.6	389	86.5	86.5
	<u>478</u>		<u>450</u>		

**Age Balance and Staff Goals**

The profile of the district’s current age distribution of certificated and classified staff is set forth in Appendix A – Numerical Review and Analysis of Workforce. By the commencement of the 2009 school year, the district shall strive to achieve a rate of employment for age categories for both certificated and classified staff. The district shall 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.

**Disabled Balance and Staff Goals**

The profile of the district's current distribution of certificated and classified staff with identified handicapping conditions is set forth in Appendix A – Numerical Review and Analysis of Work Force. By the commencement of the 2009 school year, the district shall strive to achieve a rate of employment for disabled staff in certificated and classified areas to reflect the disabled population and workforce availability of the community and surrounding area. The district shall 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.

**Veterans and Disabled Veterans Balance and Staff Goals**

The district's goal is to achieve a rate of employment for veterans and disabled veterans in certificated and classified positions to reflect the available workforce in the community and surrounding area. The profile of the district's current distribution of veterans and disabled veterans and the applicant data flow is reflected in Appendix A – Numerical Review and Analysis of Work Force.

**Identification of Problem Areas**

Identification of problem areas will involve a continuing audit of all personnel actions and procedures for all job categories in the District.

1. Uniform job descriptions for classified, certificated and administrative personnel have been developed, reviewed and evaluated to determine the scope of the position, essential job functions and qualifications.
2. Application forms and hiring procedures for certified and classified positions have been evaluated and revised to insure the increased opportunity for members of underutilized groups to be considered for employment by the district.
3. The personnel director will monitor all aspects of the employee selection process for inclusion of underutilized protected class applications.
4. The District will increase the awareness of equal opportunity among all personnel involved with hiring and provide training to administrators to develop appropriate building strategies to implement the District's Affirmative Action Plan.
5. The Administrator job category is under-represented in the minority, veteran and disabled classification. The District is experiencing a significant decline in student enrollment and funding, which has resulted in a reduction in force of administrators.

6. The instructional staff (teachers and instructional assistants) category is under-represented in the minority, veteran and disabled classifications. The District is experiencing a significant decline in student enrollment and funding, which has resulted in a reduction in force of teachers and instructional assistants.
7. The custodial and maintenance category is underrepresented in the female, minority, disabled category. The District is experiencing a significant decline in student enrollment and funding, which has resulted in a reduction of force in the custodial and maintenance category.

### **Internal Audit and Monitoring System**

The district shall 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 data of aged, disabled, ethnic minorities, and women;
- C. Training of personnel who interview applicants on nondiscrimination interview techniques;
- D. Maintaining records relative to affirmative action information;
- E. Maintaining records on job openings, interviewing, employment, transfers and terminations;
- F. Preparation of annual reports of progress toward the goals and recommended changes required to maintain the vitality of the program;
- G. 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
- H. Keeping the superintendent advised of the progress in implementing the goals and procedures of this affirmative action program.

### **Reduction 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 in force bearing in mind its affirmative action commitments.

### **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 shall be adversely affected in any way because the staff member utilized these procedures. As used in this procedure,

“Grievance” 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 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. The primary purpose of this procedure is to secure an equitable solution to a justifiable complaint to this and the following steps shall be taken:

#### 1. Informal Review Procedures

When a staff member has an employment problem concerning equal employment opportunity, he/she shall 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 affirmative action/Title IX officer to participate in the informal review procedure. 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 affirmative action/Title IX 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.

#### 2. Level One – Formal Review

The complaint must be signed by the complaining party and set forth the specific acts, conditions, or circumstances alleged to be in violation. The affirmative action officer shall investigate the allegations set forth within 30 calendar days of the filing of the charge. The officer shall provide the superintendent with a full written report of the complaint and the results of the investigation. 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. 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.

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.

### 3. Level Two – Appeal to Board of Directors

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:

- A. The date upon which the complainant received the superintendent's response, or
- B. The expiration of the 30-calendar day response period stated in Level One, whichever occurs first.

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.

### 4. Level Three – Appeal to the Superintendent of Public Instruction

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.

- A. 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.
- B. A notice of appeal must be in writing in the form required by the superintendent of public instruction and must set forth:

1. A concise statement of the original complaint and the portions of the board of directors' decision, which is appealed.
2. The suggested recommendations for resolution or remediation of the alleged complaint set forth in the original statement of complaint.

5. 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, shall be retained in the office of the district compliance officer for a period of five (5) years.