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In the Matter of the Accusations Against

- Roberto Barrera )
  - Mary Cage )
  - Patricia Carter )
  - Charles Donald )
  - Ruby Dyer )
  - Muriel Gravina )
  - Pearlie Hicks )
  - Henry Johnson )
  - LaVerne Johnson )
  - Norma Johnson )
  - Karen McGee )
  - Sarah Miller )
  - Louise Ponds )
  - Nelly Ramos )
  - Mary Deborah Sanderson )
  - Nancy Staves )
  - Odria Thompson )
  - Carolyn Wade )
- 

LEGAL BRIEF

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1                   This brief is filed on behalf of the above-named  
2 individuals and on behalf of the Certificated Members of the  
3 Black Educators of Sequoia Union High School District.

4                   I.    FACTUAL BACKGROUND

5                   A.   Recruitment of Minority Faculty

6                   Prior to 1969, the Sequoia Union High School Dis-  
7 trict employed only five (5) black teachers out of a total  
8 faculty of four hundred seventy-eight (478). In an effort to  
9 rectify this situation which deprived minority and non-minority  
10 students in the district of the benefits of a constitutionally  
11 adequate, desegregated education, the district embarked upon a  
12 substantial recruitment campaign aimed at employing greater  
13 numbers of black and other minority faculty within the district.  
14 (See testimony of Mrs. Marion McDowell). Black teachers who  
15 already had as many as nine and ten years of accumulated senior-  
16 ity at their respective schools were recruited to come to Cali-  
17 fornia from the South, the Mid-West, and the East in order to  
18 remedy the severe under-representation of blacks and other  
19 minorities within the district. Many of these teachers left  
20 secure jobs and families in order to integrate the Sequoia Union  
21 High School District.

22                   Over the years, the newly recruited black staff  
23 along with more indigenous minority graduates of local institu-  
24 tions of higher learning such as Stanford and the University of  
25 California-Berkeley justified the policy decision which resulted  
26 in their being hired. As both Superintendent Reynolds Assistant  
27 Superintendent McDowell admitted at the hearing of April 20,  
28 1982, the contributions of the black and other minority faculty

1 members were and continue to be substantial and impressive. In  
2 addition to serving as role models for minority students and  
3 helping those students feel less isolated, minority faculty mem-  
4 bers provide much needed exposure to culturally and racially  
5 different types of persons to non-minority students, faculty,  
6 and staff. In addition, black faculty and staff developed many  
7 special programs which greatly benefited minority students.

8 These programs included:

9 MESA (Math, Engineering, Science Achievement)  
10 Upward Bound  
11 U.C. Santa Cruz Outreach Program  
12 Black Student Union/Minority Student Union  
13 Carlmont Stars (Sisters Talking and Relating)  
14 Black History Week Committees  
15 Human Relations Committees/Clubs  
16 Human Relations Pilot Counseling Groups  
17 High Potential Freshman Groups at each school  
18 Summer School Freshmen Orientation and Enrichment  
19 Programs  
20 Peer Facilitator Freshman Transition Program

21 As a result of the success of these programs which were created  
22 as a direct result of the increased numbers of minority faculty  
23 staff, more minority students were enrolled in college prepara-  
24 tory classes; more minority students were enrolled in college and  
25 universities; and test scores of minority students improved.

26 The black faculty members are in the process of  
27 developing another program which will assist minority students,  
28 particularly those from the East Palo Alto district, fulfill  
their educational needs. This program known as the CORE curri-  
culum will deal with math, English, science, and social studies  
in an effort to meet the unmet needs of incoming new 9th graders.  
The black teachers in the Sequoia High School District have  
learned that many of the 9th graders are ill-prepared in elemen-  
tary school to successfully compete and learn in high school.

1 The proposed CORE curriculum will consist of a special educa-  
2 tional program for those who read below the third grade level  
3 in order to bring them up to their proper level. Other com-  
4 ponents of the program will also enrich and enhance the quality  
5 of education currently being provided to minority students whose  
6 backgrounds have not provided them with the incentive to succeed  
7 in high school. One characteristic which distinguishes the black  
8 and other minority faculty members from many, although certainly  
9 not all non-minority faculty members, is that of a passionate  
10 and demonstrated commitment to meeting the needs of minority  
11 students. This quality of concern and care can often mean the  
12 difference between success and failure for all students but  
13 particularly for minority students. Both Superintendent Reynolds  
14 and Associate Superintendent McDowell acknowledged the value of  
15 minority faculty to the overall well-being of the District.

16 B. The Sanders Decision

17 Despite the efforts of the District to increase the  
18 number of minority faculty members in an effort to provide a  
19 constitutionally adequate education to its students, parents  
20 and students in the district felt compelled to institute a  
21 school desegregation action in Superior Court, Sanders v. Board  
22 of Trustees of the Sequoia Union High School #166522. The par-  
23 ties to this litigation ultimately resolved their differences  
24 via a stipulated judgment. (Attachment A) The part of the  
25 stipulation of most relevance to the present inquiry is Section  
26 10 whereby the Sequoia High School agrees to "maintain a human  
27 relations program with the following goals:

28 a. To continue to develop staff capacity to meet  
the needs of minority students.

1           b. To continue to encourage minority students to  
2 participate in all aspects of school life.

3           c. To continue to maintain an educational climate  
4 in which students who are achieving below-grade level are en-  
5 couraged and assisted in improving their performance.

6           d. To continue to create opportunities among minor-  
7 ity students for successful experiences in district schools and  
8 for building positive self-images.

9           e. To continue working to prevent practices, proce-  
10 dures and staff attitudes which result in discrimination against  
11 any students because of their race, ethnic background, religion,  
12 or sex.

13           f. To continue to create a favorable climate for  
14 integration among students, staff, and the community.

15           Section eleven of the Stipulation states that the  
16 "district shall employ a staff adequate to carry out the pro-  
17 gram."

18           The import of the Sanders decision rests in its re-  
19 cognition of the District's obligation to create a fully dese-  
20 gregated climate which includes a desegregated staff including  
21 faculty who can meet the needs of minority students. This is  
22 not to say that non-minority faculty cannot help meet those  
23 needs but rather is an acknowledgement of a reality testified to  
24 by Superintendent Reynolds and Assistant Superintendent McDowell  
25 that minority faculty have a unique perspective which benefits  
26 minority students.

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C. The District's Affirmative Action Policy  
Finally, in the late 1970's, the District ultimately adopted an affirmative action program (Attachment B) which reflects the policy of the District to achieve "approximately the same racial, ethnic, and gender distribution of staff as of students in the district." The policy goes on to state that efforts "will be made within the constraints of the law to retain ethnic minorities and women in positions where they are underrepresented when reduction in staff are necessary." The Board of Trustees of the District receives annual progress reports in order to determine if the goals of affirmative action and nondiscrimination are being complied with by the District. (Attachment C).

A reasonable person scrutinizing the district's actions and policy statements with regard to recruitment and retention of minority faculty would conclude that the Sequoia Union High School District had and will continue to have an excellent record in this area. Unfortunately, recent decisions by the Board of Trustees and its agents, the top administrators of the District, reveal that the District's demonstrated commitment to affirmative action is illusory at best.

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1 special education classes. In addition, the decision-makers at  
2 the District decided that those with special competency in math,  
3 science, and music were not to lose their jobs. Those teachers  
4 who participated in the School Aged Mother Program (SAMP) also  
5 retained their jobs. Mrs. McDowell admitted in testimony at the  
6 April 20, 1982, hearing that she could recall no legal mandate  
7 requiring the District to retain teachers with special compe-  
8 tency in math, science, music and SAMP. Thus the decision to  
9 retain these programs was totally discretionary.

10 Other decisions to retain staff were made without  
11 being either legally mandated or required by seniority rules.  
12 The original recommendation of the Superintendent to the Board  
13 regarding layoffs requested that 3.0 nurses and 2.8 librarians  
14 be laid off. After extensive lobbying of the Board, two of the  
15 nurses and two of the librarians were retained.

16 The only reasonable conclusion which can be reached  
17 from these facts is that despite the fact that the district has  
18 committed itself through the formal adoption of various policy  
19 statements to the goals of affirmative action and nondiscrimina-  
20 tion, it does not intend to abide by those policies. In fact  
21 Superintendent Reynolds testified that the policy has no teeth.  
22 The district made commitments which were not legally mandated,  
23 to retain certain programs such as math, science, and music but  
24 abandoned the minority faculty it had recruited to desegregate  
25 its teaching staff. One must empathize with the feelings of  
26 betrayal which must exist on the part of black teachers who left  
27 jobs in the East and the South after having been promised jobs  
28 in California only to find that when budgetary problems arose,

1 they are expendable. A school district which already had an  
2 under-representation of minority faculty saw fit to further vio-  
3 late its own affirmative action policy and goals by creating a  
4 situation where at best 6% of its faculty will be black while  
5 the student population will be 13.9% black. A further result  
6 of these disproportionate layoffs of minority faculty members  
7 will be the diminution of those special programs created by  
8 minority faculty members for the educational and social benefit  
9 of minority students. In addition, there will be fewer role  
10 models for minority students. The entire district will be  
11 harmed by the lack of a fully integrated teaching staff--a fact  
12 admitted and lamented by Dr. Reynolds and Mrs. McDowell.

### 13 III. LEGAL ANALYSIS

14 The proposed plan for termination of certificated  
15 employees in the Sequoia Union High School District is illegal  
16 in the following ways:

17 A. The District in implementing its bumping plan  
18 has violated its own rules of seniority.

19 The testimony at the April 20, 1982, hearing re-  
20 vealed that seniority was to be used as the primary criteria  
21 for determining which employees would be terminated. In fact,  
22 Karen McGee #416 and Ruby Dyer #422 were bumped by individuals  
23 with less seniority. The Education Code prohibits this misuse  
24 of the seniority system in stating that

25 . . .the services of no permanent  
26 employee may be terminated under the  
27 provisions of this section while any  
28 probationary employee, or any other  
employee with less seniority, is re-  
tained to render a service which said  
permanent employee is certificated and  
competent to render. [emphasis added]  
Ed Code §44955.

1 For Mrs. McGee and Mrs. Oger, immediate revocation  
2 of their termination notices is the appropriate remedy.

3 B. The District abused its discretion by retaining  
4 certain programs which were not mandated by law while virtually  
5 eliminating its affirmative action program as well as all the  
6 other programs created by and for minorities.

7 As was stated earlier, the District exercised its  
8 discretion and retained certain programs such as math, science,  
9 music, and the School Aged Mother Program (SAMP). According to  
10 testimony from Mrs. McDowell, none of these programs are legally  
11 mandated. Thus the district has discretion to retain those  
12 programs and individuals which it has determined are of value  
13 to the District. Despite the fact that both Superintendent  
14 Reynolds and Mrs. McDowell testified that minority faculty are  
15 of much benefit to the district, neither of them made recommenda-  
16 tions to the Board of Trustees that minority staff members be  
17 retained in order to further enhance the desegregated climate  
18 as per the Sanders decision.

19 C. The District violated the employment rights of  
20 minority staff.

21 By recruiting minority teachers to come to the  
22 Sequoia Union High School District from distant locales, the  
23 district created a reasonable expectation in continued employ-  
24 ment on the part of the minority staff who left jobs where they  
25 had accrued nine and more years of seniority. If the teachers  
26 who had been recruited had known when they left secure jobs and  
27 family that they would be the first to be terminated in times of  
28 budgetary constraints, many, if not all of them, would have not

1 come to California. These individuals detrimentally relied on  
2 the school district to protect their jobs. Basic contract law  
3 and employment law would tend to govern this type of action on  
4 the part of the district and would act to protect the employees  
5 from these discriminatory actions on the part of the School  
6 District. At a minimum, all minority faculty who have received  
7 termination notices should be retrained in order to fill posi-  
8 tions in math, science, music, and SAMP.

9 D. The Sequoia Union High School District is vio-  
10 lating its own Affirmative Action Policy.

11 The Sequoia Union High School District has adopted  
12 a strong and equitable affirmative action, non-discrimination  
13 policy. Policy statements adopted by school boards have the  
14 force of law in that local school districts are agencies of the  
15 state for the local operation of the state school system.  
16 Hall v. City of Taft 47 C2d 177, 191 (1956). One of the com-  
17 ponents of the affirmative action program mandates that the  
18 District faculty reflect the percentage of black students in  
19 the District. The most recent affirmative action progress re-  
20 port (Attachment C) indicates that the District has not met its  
21 goals. This under-representation was and continues to exist  
22 even without the implementation of the layoff scheme currently  
23 under attack. The proposed layoffs merely compound the problem.

24 As has been previously stated, the district's black  
25 student population is 13.9% black and the proposed layoffs will  
26 leave the teaching staff 6% black at best and 4% black if strict  
27 seniority rules are followed. This is clear violation of the  
28 District's affirmative action plan. In addition, the District

1 adopted a policy which would protect minorities from the workings  
2 of the last hired, first fired syndrome described by the Super-  
3 intendent Reynolds at the March 3, 1982 board meeting. The Dis-  
4 trict has completely disregarded this policy except with regard  
5 to determining seniority among individuals hired on the same day.

6 E. By terminating a disproportionate number of  
7 minority teachers, the district is committing an intentional  
8 act of de jure segregation.

9 Case law since Brown v. Board of Education of Topeka,  
10 Kansas 347 US 483 (1954), has held that a desegregated teaching  
11 staff is part and parcel of a unitary constitutionally adequate  
12 school system. Courts in Springfield, Illinois; Boston, Massa-  
13 chusetts; and Kalamazoo, Michigan, when confronted with proposed  
14 action by a school board which would resegment the teaching  
15 staff by virtue of the adoption of a layoff plan based primarily  
16 on seniority have uniformly struck down such proposals and have  
17 ordered school districts to retain minority teachers. Morgan  
18 v. O'Bryant (1st Cir. 1982) 28 FEP Cases 58; Oliver v. Kalamazoo  
19 (DC-WD Mich. SD) 498 F.Supp 732 aff'd 6th Cir.; and McPherson  
20 v. School District #186 Springfield, Illinois (D.C. Central  
21 Dis. Ill. 1981) 76-44.

22 By terminating a disproportionate number of minority  
23 teachers, the Sequoia Union High School District has knowingly  
24 resegmented its faculty, an act of intentional de jure segrega-  
25 tion. Since the Board was informed by Superintendent Reynolds  
26 that its proposed action would result in the termination of a  
27 disproportionate number of minority faculty, the Board therefore  
28 acted with an intent to resegment its teaching staff. This

1 violates constitutional protections afforded to minority students  
2 by both the federal and state constitutions and is therefore  
3 illegal.

4 IV. EVIDENTIARY DISPUTE

5 Despite the even-handedness of the rulings of the  
6 Administrative Law Judge, we respectfully submit that his ex-  
7 clusion of testimony by the black faculty was incorrect. If  
8 allowed to testify, they could have testified 1) about the  
9 efforts of the District to recruit them from distant school  
10 districts, 2) the promises made to the community in exchange  
11 for a dismissal of the Sanders decision, and 3) the programs  
12 they have developed and implemented for minority as well as  
13 majority students. If this administrative action is ever  
14 appealed, minority teachers would like to preserve their right  
15 to put on testimony about the aforementioned issues.

16 CONCLUSION

17 The Sequoia Union High School District has made a  
18 mistake in the way in which it is determining which faculty  
19 members to terminate. For many reasons both legal and equita-  
20 ble, a different system must be devised. Minority faculty  
21 respectfully request that the Administrative Law Judge find  
22 that the current plan is void because of its segregatory and  
23 discriminatory effect and that the Judge order the District to  
24 follow its affirmative action plan.

25 Dated: April 28, 1982

26 Respectfully submitted,

27   
28 Eva Jefferson Paterson

Attachments

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- A. The Sanders Decision
- B. Affirmative Action Policy Adopted by the Board of Trustees of the Sequoia Union High School District
- C. Affirmative Action Progress Report

(ENDORSED)  
**FILED**

DEC 11 1975

HARVIN CHURCH, County Clerk  
By MARGOT JOYCE

1 KEITH C. SORENSON  
District Attorney  
2 By: GEORGE F. CAMERLENGO, Deputy  
Hall of Justice and Records  
3 Redwood City, CA 94063  
364-5600, Ext. 4382



4 Attorneys for respondent

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SAN MATEO

11	DOROTHY SANDERS, et al,	)	
12		)	NO. 166522
13		)	<u>STIPULATION AND ORDER</u>
14	BOARD OF TRUSTEES OF THE	)	
15	SEQUOIA UNION HIGH SCHOOL,	)	
16		)	
16	Respondent.	)	

18 IT IS HEREBY STIPULATED by and between the parties hereto  
19 through their respective counsel, SIENEY L. BERLIN for the  
20 petitioners, and KEITH C. SORENSON, District Attorney, by  
21 GEORGE F. CAMERLENGO, Deputy District Attorney, for the  
22 respondent, that the Court enter the following orders in the  
23 within action:

24 1. That the Petition for Writ of Mandate currently before  
25 the Court be dropped from the master calendar.

26 2. That the Court shall enter its order decreeing that  
27 the stipulations of the parties hereto shall be the order of  
28 this Court in this action.

29 3. That the Court retain continuing jurisdiction to assure  
30 the carrying forward of the stipulations herein for a period of  
31 six (6) years from the date of this agreement.

32 4. That at the end of the six (6) year period, assuming

1 good faith compliance by both sides, the action will be  
2 dismissed.

3 5. That both parties agree that the respondent does not  
4 in any manner admit any liability or any illegal actions by  
5 entering into this stipulation.

6 6. That Ravenswood High School, a comprehensive high  
7 school within the confines and jurisdiction of the respondent,  
8 shall be closed at the end of the 1975-76 school year (unless  
9 a court of competent jurisdiction finds the closure to be  
10 unlawful under California or Federal law). Petitioners herein  
11 do not intend to, nor shall they, raise this issue.

12 7. That the attendance boundaries of the high schools of  
13 the district (excluding the continuation high school),  
14 commencing July 1, 1976, shall be drawn initially and altered  
15 as necessary to provide at all times for enrollments balanced  
16 for capacity and for racial and ethnic composition in  
17 accordance with the following guidelines:

18 a. Enrollments for the 1976-77 school year at each  
19 school shall not vary more than five percentage (5%) points  
20 above or below each school's capacity for said school year.  
21 Thereafter, the ratio of enrollment to capacity in future  
22 years at each school shall be within five percent (5%) of the  
23 ratio of the district enrollment to district capacity.

24 b. The minority (black and Spanish surname) enroll-  
25 ments at each school shall not vary more than five percentage  
26 (5%) points from the average minority enrollment in the  
27 district.

28 If, despite good faith efforts by the district, minor  
29 variations from the above five percentage (5%) points figure  
30 for both capacity and ethnic composition occur, such variations,  
31 if within one percentage (1%) point either way, shall not be  
32 deemed a breach of this stipulation nor of the judgment of

1 this Court entered and ordered upon this stipulation.

2 .B. The respondent may, at its option, operate a supple-  
3 mentary open enrollment voluntary transfer plan such as the  
4 plan adopted by the Board on October 15, 1975, provided said  
5 plan conforms to the guidelines set forth in the preceding  
6 paragraph.

7 9. If it becomes necessary to close another high school  
8 in the district in addition to Ravenswood High School, the  
9 respondent District Board agrees to give primary consideration  
10 to the closing of Carlmont, San Carlos, or Woodside High Schools  
11 and will submit to the Court any issues involving racial  
12 segregation raised by the second closure for further consider-  
13 ation by this Court and a determination that the same abides  
14 by both the spirit and the letter of this stipulation.

15 10. The respondent shall maintain a human relations  
16 program with the following goals:

17 a. To continue to develop staff capacity to meet the  
18 needs of minority students.

19 b. To continue to encourage minority students to  
20 participate in all aspects of school life.

21 c. To continue to maintain an educational climate in  
22 which students who are achieving below-grade level are  
23 encouraged and assisted in improving their performance.

24 d. To continue to create opportunities among  
25 minority students for successful experiences in district  
26 schools and for building positive self-images..

27 e. To continue working to prevent practices,  
28 procedures and staff attitudes which result in discrimination  
29 against any students because of their race, ethnic background,  
30 religion, or sex.

31 f. To continue to create a favorable climate for  
32 integration among students, staff, and the community.

1 11. The district shall employ a staff adequate to carry  
2 out the program. The district shall appoint a commission to  
3 evaluate the program on an ongoing basis. The composition of  
4 the commission shall consist of X members, of which  
5 at least 5/10 percent (50%) shall be minority and at least  
6 fifty percent (50%) shall be persons not employed by the  
7 district.

8 12. If a court of competent jurisdiction finds the  
9 closure of Ravenswood unlawful and requires it to remain open,  
10 and such court does not order a desegregation plan, and if  
11 both parties hereto are unable to agree upon a mutually  
12 acceptable desegregation plan, the matter will be submitted  
13 to the Superior Court forthwith for its determination.

14 13. Nothing herein shall preclude either party from  
15 appealing any judgment rendered in connection with the closure  
16 of Ravenswood by any court.

17 Dated: December 3, 1975

18 KEITH C. SORENSON, District Attorney

19 By George A. Camerlengo  
20 George A. Camerlengo, Deputy

21 Attorneys for respondent

22 Dated: December 3, 1975

23 SIDNEY L. BERLIN, FRED R. BRINKOP,  
24 PHRASEL SHELTON and JAMES MADISON

25 By Sidney L. Berlin  
26 Sidney L. Berlin

27 Attorneys for petitioners

28 O R D E R

29 GOOD CAUSE THEREFOR APPEARING, IT IS HEREBY ORDERED that  
30 the foregoing Stipulation be, and the same is hereby, made an  
31 order and judgment of this Court.

32 Dated: 12-8-75

Frank W. Rose

Judge of the Superior Court

B

GBA

## EQUAL OPPORTUNITY EMPLOYMENT

In accordance with Section 34 of Title 5 of the California Administrative Code and in continuance of previous commitments made by the Board of Trustees, it shall be the policy of the Sequoia Union High School District to provide equal opportunity in employment and promotion for all persons, and to prohibit discrimination against any employee or applicant for employment based upon race, ethnic origin, sex, religion, age (except as provided by law), or marital status. Personnel policies and practices in employment, development, promotion, and treatment of employees will be implemented to promote and insure equal employment opportunities for all. It shall be the long-range goal of the district to implement a policy of affirmative action that will lead to improved levels of representation of members of minority ethnic groups and women in classifications of varying responsibility where they are currently underrepresented. In establishing this affirmative action policy, the Board of Trustees recognizes that the goals and timelines for implementation must realistically reflect the fact that declining average daily attendance and income limitations imposed by the state provide limited opportunities for employment of personnel.

In adopting this policy the Board of Trustees is committed to both nondiscrimination and affirmative action. The commitment is to achieve the following:

Nondiscrimination. No person shall be denied employment or employment benefits because of the individual's race, ethnic origin, religion, sex, marital status, or age (except as provided by law).

Discriminatory practices will be eliminated if any are found to exist. Employment policies, procedures, and practices that may operate to the detriment of minority ethnic groups and women will be identified and corrected.

Affirmative Action. Positive action will be taken to improve the representation of minority groups and women at all levels of responsibility from all qualified and available applicants when opportunities exist to fill vacancies. Efforts will be made to determine if any existing underrepresentation of ethnic minorities and women are caused by employment practices of the district. If any employment practices are discovered that contribute to the underrepresentation of ethnic minorities and women, they will be eliminated.

The district will continue efforts to recruit, employ, and promote members of groups that are presently underrepresented at various levels of responsibility from among those who are

qualified or who may have the potential to become qualified through training or experience. The district will take appropriate steps, in filling vacancies, to correct existing underrepresentation of minority ethnic groups and women in those employment categories in which underrepresentation exists. Qualified employees will not be dismissed for the purpose of creating vacancies.

Affirmative Action Goals. The Affirmative Action goal of the Sequoia Union High School District shall be to achieve approximately the same racial, ethnic, and gender distribution of staff as of students in the district.

Timelines. Whenever there is again the opportunity to hire new staff, hiring will be done in such a manner that in each year that staff is hired there will be progress toward the District's Affirmative Action goal.

Personnel policies and practices will be compatible with the intent of the affirmative action policy.

Efforts will be made within the constraints of the law to retain ethnic minorities and women in positions where they are underrepresented when reductions in staff are necessary.

Annual progress reports will be submitted to the Board of Trustees. The Board will evaluate the progress of the affirmative action program annually and revise as necessary.

X-Ref. AC NONDISCRIMINATION

Revised  
2-2-77

## EQUAL OPPORTUNITY EMPLOYMENT

The responsibility for implementing the affirmative action policy rests with the Superintendent. The Superintendent shall designate the Assistant Superintendent, Personnel Services, as the affirmative action director responsible for carrying out related tasks and directing those responsible in the schools and various district departments to implement the affirmative action policy.

- A. Responsibilities of the affirmative action director (Assistant Superintendent, Personnel Services) shall be to:
1. Prepare goals for the employment of ethnic minorities and women with definite timelines for certificated and classified employment classifications and school or district locations.
  2. Assist principals and district department supervisors in implementing goals and timelines for schools and district departments.
  3. Conduct inservice affirmative action programs for district and school staff members as necessary.
  4. Develop specific criteria for evaluating the effectiveness of the affirmative action program.
  5. Coordinate personnel responsibilities in the affirmative action program.
  6. Identify problems and make recommendations to the Superintendent and Board of Trustees with the aim of eliminating or avoiding discriminatory practices in the following employment procedures:
    - a. Identification
    - b. Recruitment
    - c. Employment
    - d. Transfer policies and procedures
    - e. Promotion selections
    - f. Layoff procedures
    - g. Selection committees
    - h. Reclassification studies
  7. Maintain current statistics of the ethnic minority and sex composition of management, other certificated personnel and classified personnel.

8. Keep records on the sex and ethnic minority composition of applicants for various positions.
9. Develop and maintain statistics related to ethnic minorities and women as related to promotion, wages, dismissals, employment, and transfers.
10. Provide for grievance procedures, discussions, and interviews with personnel as necessary to identify problem areas related to affirmative action.
11. Maintain an awareness of the activities at the local, state, and federal levels of the Equal Employment Opportunities Commission and Fair Employment Practices Commission.
12. Establish and maintain communication with employment resource agencies connected with the ethnic minority communities and groups.
13. Prepare an affirmative action report in February of each year for review by the Director of Human Relations, Equal Employment Opportunity Committee, the Superintendent, and the Board of Trustees.
14. Meet quarterly to provide affirmative action progress reports to the Equal Educational Opportunities Committee which will act as an affirmative action advisory committee for the district.
15. Work with Equal Educational Opportunities Committee to identify and correct any employment practices that are detrimental to the employment or promotion of ethnic minorities and women.
16. Work with the Equal Educational Opportunities Committee in establishing goals and timelines for the employment of ethnic minorities and women in employment classifications where they are underrepresented.

The Equal Educational Opportunities Committee shall function as follows:

1. The committee will act as an affirmative action advisory committee to the affirmative action director (Assistant Superintendent, Personnel Services) to review the goals, objectives, and timelines of the affirmative action program on an annual basis to evaluate the progress toward affirmative action goals.

2. The committee will make recommendations to the Superintendent and the Board of Trustees.
3. The committee does not participate in the interviewing, hiring, or promotion of candidates or employees.
4. The committee will assist the affirmative action director in preparing goals and timelines for the employment of ethnic minorities and women for recommendation to the Superintendent and Board of Trustees.

The affirmative action director and the equal educational opportunities committee will prepare within ninety days of the adoption of this policy, basic goals and timelines for the employment of ethnic minorities and women for recommendation to the Board of Trustees for approval. The goals and timelines will be designed to improve identifiable areas of underrepresentation of ethnic minorities and women in specific employment classifications. Goals and timelines will be established by the Board in the following employee classifications:

1. Certificated employees: Administrators, Teachers, and Pupil Personnel Services (Librarians, Nurses, Counselors, Welfare and Attendance, and Psychologists)
2. Classified employees: Supervisors and Technicians; Maintenance Crafts (Carpenters, Electricians, Painters, etc.); Custodians, Grounds Maintenance, Laundry Workers; Transportation (Bus Drivers and Mechanics); Clerical (including Teacher Clerks, AV Clerks, etc.); Instructional Aides (including School Aides and Community workers).

The goals and timelines for affirmative action approved by the Board will reflect a realistic analysis of areas of anticipated vacancies through either expansion or attrition. (The current decline in average daily attendance, the income limitations imposed by the state, and the reemployment rights of terminated employees make it unrealistic for the district to set goals, attainable within reasonable timelines, in many employment categories underrepresented by ethnic minorities and women).

The goals and timelines approved by the Board of Trustees with the supporting data will be a part of the district's affirmative action program.

Any reductions in various categories of classified and certificated staff made necessary by the decline in average daily attendance and limitations on income imposed by the state will be made in line with the district's affirmative action policy, within the constraints of the law.

Reassignment of personnel because of reductions in supervisory and administrative positions will be made on the basis of specified affirmative action goals and timelines within the constraints of the law.

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PROGRESS TOWARD AFFIRMATIVE ACTION GOALS

DATE March 3, 1982

CERTIFICATED EMPLOYEES - 1981-82

Category	Year	Hispanic		White--not Hispanic		Black--not Hispanic		Asian-Pacific Islander		Native American		Filipino		Men		Women	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
District Goals			11.5		68.2		14.3		4.5		.6		.9		51.3		48.7
Administration	1979-80	2	5.9	24	70.6	8	23.5	0	0	0	0	0	0	27	79.4	7	20.6
	1980-81	3	8.8	24	70.5	7	20.6							27	79.4	7	20.6
	1981-82	2	6.5	20	65.1	9	29.0							22	71.0	9	29.0
Number:	31																
% away from goal			-5.0		-3.1		+14.7		-4.5		-.6		-.9		+19.7		-19.7
District Goals			11.5		68.2		14.3		4.5		.6		.9		51.3		48.7
Teachers	1979-80	16	3.7	379	87.1	24	5.5	8	1.8	5	1.1	3	.7	282	64.8	153	35.2
	1980-81	19	4.5	363	85.6	26	6.1	7	1.7	5	1.2	4	.9	269	63.4	155	36.6
	1981-82	19	4.8	332	84.7	27	6.9	5	1.3	5	1.3	4	1.0	247	63.0	145	37.0
Number:	392																
% away from goal			-6.7		+16.5		-7.4		-3.2		+7		+1		+11.7		-11.7
District Goals			11.5		68.2		14.3		4.5		.6		.9		51.3		48.7
Pupil Personnel: Welfare/Attend. Counselors Nurses Librarians	1979-80	1	2.1	37	78.7	7	14.9	1	2.1	0	0	1	2.1	18	38.3	29	61.7
	1980-81	1	2.3	35	79.5	7	15.9	1	2.3	0	0	0	0	20	45.5	24	54.4
	1981-82	2	4.0	40	80.0	5	10.0	1	2.0	1	2.0	1	2.0	21	42.0	29	58.0
Number:	50																
% away from goal			-7.5		+11.8		-4.3		-2.5		+1.4		+1.1		-9.3		+9.3

PROGRESS TOWARD AFFIRMATIVE ACTION GOALS

CERTIFICATED EMPLOYEES - 1981-82

Category	Year	Hispanic		White--not Hispanic		Black--not Hispanic		Asian-Pacific Islander		Native American		Filipino		Men		Women	
		No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
District Goals			11.5		68.2		14.3		4.5		.6		.9		51.3		48.7
TOTAL CERTIFICATED	1979-80	19	3.7	440	85.3	39	7.6	9	1.7	5	.9	4	.7	327	63.4	189	36.6
	1980-81	23	4.6	422	84.1	40	7.9	8	1.6	5	.9	5	.9	316	62.9	186	37.1
	1981-82	23	4.9	392	82.9	41	8.7	6	1.3	6	1.3	5	1.1	290	61.3	183	38.7
Number: 473																	
% away from goal			-6.6		+14.7		-5.6		-3.2		+7		+2		+10.0		-10.0