

Minnesota Department of Human Rights and Best Academy Agreement

Minnesota law prohibits discrimination in education because of race, color, creed, religion, national origin, sex, marital status, disability status with regard to public assistance, sexual orientation, and age. The opportunity to obtain full and equal utilization of educational institutions is a civil right. Minn. Stat. §363A.02.

The Minnesota Department of Human Rights (Department) enforces the Minnesota Human Rights Act (Act) and eliminates unfair discriminatory practices through the initiation and investigation of administrative charges and through education, conference, conciliation, and persuasion. Minn. Stat. §363A.06.

It is the State of Minnesota's mission to provide a system for lifelong learning, to ensure individual academic achievement, an informed citizenry, and a highly productive work force. This system focuses on the learner, promotes and values diversity, provides participatory decision-making, ensures accountability, models democratic principles, creates and sustains a climate for change, provides personalized learning environments, encourages learners to reach their maximum potential, and integrates and coordinates human services for learners. The public schools of this state shall serve the needs of the students by cooperating with the students' parents and legal guardians to develop the students' intellectual capabilities and lifework skills in a safe and positive environment. Minn. Stat. § 120A.03.

Best Academy (Charter School) provides public education to all school-aged children within its school and is responsible for its budget, curriculum, personnel, and facilities.

On Thursday November 2nd, 2017 the Department and Charter School met to discuss the suspension and expulsion data the School submitted over the past five years to the Discipline Incident Reporting System (DIRS) maintained by the Minnesota Department of Education (MDE). The Department noted that the Charter School's rate of suspension of students per 100 students was appreciably higher than the statewide average rate of suspension of students per 100 students and a significant percentage of suspension decisions made by the Charter School were based on subjective considerations.

The Department and Charter School share mutual goals to ensure:

- Learning occurs in safe and supportive environments;
- Every student has an equal opportunity to fully participate in and to succeed in a quality education; and
- The Charter School applies its student discipline policies and procedures in a nondiscriminatory manner.

The Department and Charter School have a strong a commitment to:

- Work together on behalf of all Minnesota students to ensure their success; and

- Collaborate and use their best efforts to improve student academic achievement by reducing the disparate suspension and expulsion outcomes for students from racial and ethnic minority communities and students with disabilities.

The Department and Charter School acknowledge that the unnecessary use of exclusionary discipline can have serious, long term, and detrimental effects on student engagement and academic achievement.

The Department and Charter School recognize that there are many corrective action strategies that can be implemented with a school environment and that the Charter School should have the ability to select the specific corrective action strategy it feels is best for its school community.

The Department and Charter School recognize that there several federal and state educational mandates for the Charter School to achieve. The Department and Charter School recognize that the Charter School should have flexibility in crafting a plan that is best suited for its school community.

The Department and Charter School recognize that enhanced alignment of government programs and services seeking to assist low income households and eliminate homelessness may have a positive impact on reducing suspension and expulsion decisions within the Charter School.

The Department and Charter School recognize that the Department may be able to assist the Charter School in securing resources among private foundations, private businesses and governmental units to support efforts within the Charter School to reduce the need to suspend or expel students.

Therefore, the Department and Charter School, collectively referred to as Parties, agree as follows:

1. The Charter School has developed and submitted to the Department a Strategic Plan (Plan), which is attached as Exhibit A to this Agreement. The Plan will focus on conduct that the Charter School would report to MDE in the following DIRS categories: attendance, bullying, cyber bullying, harassment, disruptive/disorderly conduct/insubordination, threat, intimidation and other. The Plan will identify the role and responsibilities of the Board, Superintendent, Principals and other relevant individuals to ensure discipline is properly implemented as identified within the Plan. The Plan will also include a section outlining the engagement effort of the Charter School to ensure input from students, parents, and teachers to obtain qualitative data on a regular and on-going basis throughout the length of this Agreement.
2. The Charter School will submit semi-annual reports to the Department demonstrating its efforts to comply with the provisions of this Agreement and to implement its Plan. The Charter School will provide semi-annual reports by September 1 and February 1 each year. The September report will address activity for the preceding months of February through August. The February report will address activity for the preceding months of September through January. The first semi-annual report is due on September 1, 2018.
3. At a minimum, the semi-annual report will include the following information for each strategy the Plan identified:

- a. The intended outcomes;
 - b. Specific steps the Charter School took to implement the strategy;
 - c. Metrics the Charter School developed to measure the effectiveness of the strategy; and
 - d. Any changes implemented by the Charter School in light of results in the reporting period.
4. The semi-annual report will also include the following information:
- a. The names of all students that have been suspended or expelled;
 - b. The names of the student's parent(s) or legal guardian(s);
 - c. The telephone and mailing address contact information for the student's parents;
 - d. Date the student was suspended;
 - e. Date the student's parent(s) or guardian(s) were contacted regarding the suspension;
 - f. The race, ethnicity, national origin, and gender of the student suspended;
 - g. Whether the student is recognized as a student with a disability;
 - h. The reason why the student was suspended;
 - i. The length of suspension; and
 - j. Dates the student was previously suspended during the academic school year.
5. The Department, in collaboration with MDE, School Districts and Charter Schools, will create a Diversion Committee during the 2017-2018 school year. The Charter School will designate a representative or representatives to serve on the Diversion Committee.
6. The Diversion Committee will:
- a. Review and analyze aggregate suspension data of School Districts and Charter Schools;
 - b. Review and analyze suspension practices of School Districts and Charter Schools;
 - c. Develop legislative proposals that will have a positive impact on reducing suspensions and expulsions for students of color and students with disabilities; and
 - d. Develop and create best practices for school boards, superintendents, discipline supervisors, principals, teachers, staff and discipline assessment teams on the issues identified within this Agreement.
7. The Diversion Committee will be comprised of the following subcommittees:
- a. DIRS – Create greater clarity for schools on the conduct schools should report to MDE;
 - b. Corrective Action Strategies– Best practices for understanding, teaching, evaluating, and monitoring implementation of corrective action strategies;
 - c. Implicit Bias – Best practices for understanding, teaching, evaluating, and monitoring implementation of implicit bias education; and
 - d. Engagement – Best practices for ensuring student, teacher, and community involvement that leads to qualitative assessment.
8. The Diversion Committee will provide information and recommendations to the Department. Based on the information and recommendations made by the Diversion Committee, the Department will:

- a. Coordinate external stakeholders to drive toward community based solutions;
 - b. In collaboration with MDE, publish technical guidance on best practices to reduce suspension and expulsion disparities for students from racial and ethnic minority communities and students with disabilities;
 - c. Facilitate conversations with other government units to explore ways to eliminate duplication of services, barriers for families and students, and improve data sharing;
 - d. Facilitate a legislative policy report;
 - e. Provide technical assistance on civic engagement;
 - f. Provide feedback to Charter School on policies, efforts to reduce suspensions, and data analysis; and
 - g. Use its best efforts to secure resources from private foundations, private businesses, and other governmental units, such as MDE, Minnesota Department of Human Services, Minnesota Department of Health, public housing agencies, and counties.
9. The Charter School agrees that the Department, upon giving reasonable notice to the Charter School to minimize disruption, may conduct an on-site review or request additional information from the Charter School to evaluate effective implementation of the Plan and compliance with the terms of this Agreement.
10. The Parties acknowledge that the release of information concerning this Agreement is governed by the Act, the Minnesota Government Data Practices Act, Minn. Stat. §§ 13.03 *et. seq.*, and the Official Records Act, Minn. Stat. §§ 15.17 *et. seq.*
11. The Parties agree that the Department may make public: (a) the terms of this Agreement pursuant to Minn. Stat. § 363A.06, subd. 4 and (b) the information identified as public data in Minn. Stat. § 363A.35. The Parties agree to work collaboratively on any press releases and responses to media inquiries concerning this Agreement.
12. If a Court of competent jurisdiction, for any reason, holds any part of this Agreement invalid, unlawful or otherwise unenforceable, such decision shall not affect the validity of any other part of the Agreement. The Parties will meet within 15 days of any such decision to determine if they should modify the Agreement.
13. This Agreement is not to be construed as an admission of liability or wrongdoing by or on behalf of the Charter School or any other party with an identified interest in the Charter School. The Department has not made a probable cause discrimination finding against the Charter School in violation of the Act.
14. This Agreement begins on the date that the parties execute it and the Agreement ends upon the Charter School's submission to the Department of its September 1 report for the 2020-2021 academic school year.

15. The parties to this Agreement acknowledge that they have read and have gained an understanding of the terms of this Agreement, that legal counsel has represented them or they had the opportunity to retain legal counsel, and they are voluntarily entering into this Agreement.
16. This Agreement may be executed in multiple counterparts, which shall be construed together as if one instrument. In addition, any party shall be entitled to rely on an electronic copy of a signature as if it were the original. The parties have caused this Agreement to be signed on the dates opposite their signatures.
17. Minnesota law will govern the construction and interpretation of this Agreement. No rule of strict construction shall apply against either Party as both Parties equally drafted the Agreement. The Parties agree that any action regarding interpretation or adherence to the terms of Agreement shall be filed in Ramsey County District court.
18. If the Department believes the Charter School is in material breach of this Agreement, the Department will notify the Charter School in writing and will identify the specific provisions of this Agreement the Department believes the Charter School is in material breach. The Department will request a meeting with the Superintendent to resolve the identified breach. The Department shall only initiate judicial proceedings to enforce this Agreement if the parties reach an impasse. Prior to initiating judicial proceedings, the Parties may choose to engage in alternative dispute resolution efforts including, but not limited to, the selection of a mediator to help the parties resolve the outstanding dispute.
19. Nothing within this Agreement prevents the Department from periodically requesting information from the Charter concerning all of its suspension and expulsion decisions to ensure that the Charter has correctly identified the suspension and expulsion decisions subject to this Agreement.

March 26, 2018

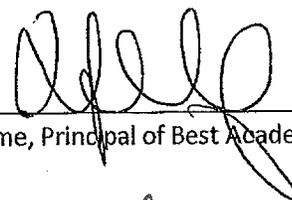
Date



Audubon Center of the North Woods- CSD (Authorizer)

3/27/18

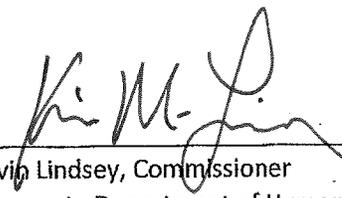
Date



Fatou Diahame, Principal of Best Academy

3/29/18

Date



Kevin Lindsey, Commissioner
Minnesota Department of Human Rights

2018

Best Academy Suspension Reduction Plan

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Philosophy Statement

At Best Academy we have high expectations and a positive school climate that will support academic and social growth for all scholars. We have the obligation to guide and empower our children to make appropriate behavioral choices, and all behavior issues will be met with positive intervention and respect in order to build strong relationships. We strive to create an educational environment where students are held accountable for their actions, learn the skills and attitudes necessary to prevent misbehavior, and act appropriately when scholars return to the regular classroom.

Objectives

- Maintain authorizer standards for overall school attendance.
- Decrease the number of office referrals for negative behavior by 10%.
- Decrease the number of suspensions by 30%.
- To increase positive student behavioral choices and reduce negative behavior.
- To provide a positive academic environment which is safe, orderly, and conducive to learning.

Discipline Committee

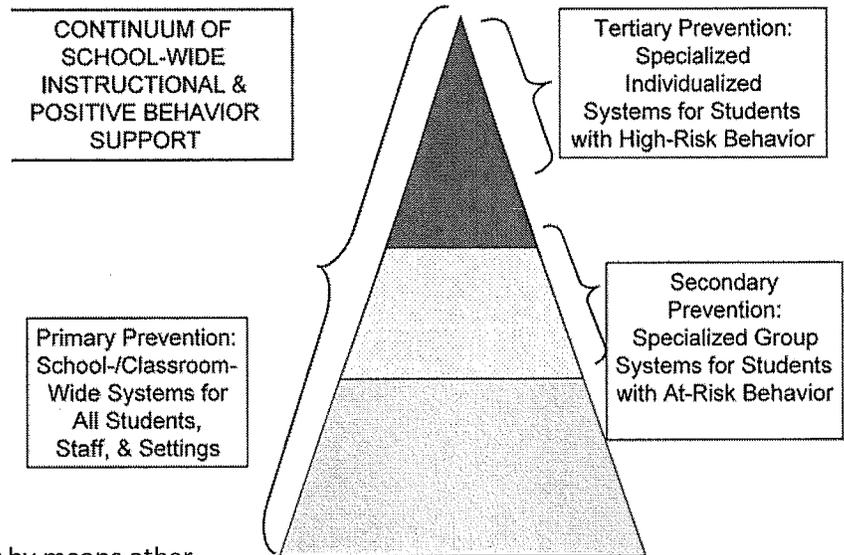
Best Academy will create a Discipline Committee to meet every two weeks and to focus on analyzing and creating solutions for behavior issues. The committee is also charged with creating intervention plans designed for students with at-risk behaviors, as well as monitoring and adjusting school action plans as needed. This committee will be comprised of a representative of the school faculty and includes an administrator.

Key staff on the discipline committee shall include but is not limited to...

- School principal
- Behavior Interventionist
- Director of SPED
- Board member

Additional duties the Discipline Committee is tasked with...

- Providing input to personnel, on strategies to:
 - Improve student behavior;
 - Address student behavior by means other than disciplinary action through corrective action practices such as de-escalation and restorative justice;
 - Ensure that referrals for discipline are not impacted by explicit or implicit bias; and
 - Ensure that discipline actions are effective in addressing student behavior and are not punitive.
- Providing best practices to:
 - Prevent school bullying;
 - Address explicit and implicit bias in the classroom;
 - Develop cultural competency; and
 - Interact with students experiencing trauma,
- Providing input to the school community to:
 - Ensure school personnel are aware and have access to available resources to assist them in being successful in the classroom;
 - Identify new practices to more effectively implement identified strategies;
 - Raise awareness of challenges personnel face when implementing identified strategies; and
 - Identify policy and scheduling changes, including but not limited to, those that may minimize interactions that could result in a suspension such as changing the time of passing period between classes, changing lunch periods, and alternating bus routes.



Discipline Data will be shared at grade level meetings to address teachers' needs and students' needs more specifically and promptly. Discipline data will be presented at the board meetings and the board will receive an update on the school's performance in regards to its plan for monitoring purposes.

Policy Change and Professional Development

Policy and Language Alignment

Before the end of the 2017-2018 school year, the Principal and all relevant personnel shall ensure that there is consistency concerning:

- The language, terms, and definitions used by school personnel to determine when students engage in identified removal behavior;
- When school personnel may remove a student from class;
- When a student may be suspended or expelled for engaging in identified removal behavior; and
- The length of time a student may be suspended or expelled for engaging in identified removal behavior;
- School Bullying Policy and the Parent & Scholar Code of Conduct.

Professional Development

Staff will engage in mandatory professional development opportunities focused of student discipline. These will occur both before the school year and throughout the school year.

- Professional development activities will present information on de-escalation skills, positive intervention, assertion, problem solving, implicit bias, cultural competency, conflict resolution, and age-appropriate responses to behavior,
- Best Academy school staff will continue to receive training from the Wilder Center on Trauma Informed Education.
- Professional development activities will also include high quality classroom management, organization and instructional strategies to be used

Best Academy will also track trainings completed by staff and measure the effectiveness of all training identified above consistent with identified metrics.

Teaching Expectations

During the FY19 school year Best Academy will work to ensure consistency and fidelity in the execution of all behavior interventions and school behavior policies.

School wide Initiatives

- Distribution of Parent & Scholar Code of Conduct to parents and staff.
- Orientation for parents and student assemblies at the beginning of the year.
- Rules and procedures are posted throughout the school.
- Daily announcements and newsletters serve as reminders.
- All personnel model desired behavior.
- All adults in the building actively monitor students' behavior rewarding with verbal praise or redirecting student behavior as needed.
- Students exhibiting positive behavior will;
 - Attend Fun Friday events
 - Attend field trips.
 - Receive citizenship awards.
- Emphasis on Character Education and Character Building
 - Curriculum is taught at each grade level.
 - The staff models appropriate character traits.
 - Incentives are provided for students who exhibit positive character traits (see above list).

Classroom Initiatives

- Teachers directly instruct and model behavior expectations and rules.
- Rules and expectations are posted in the classroom.
- Teachers establish routines and procedures.
- Teachers use 'Morning Meetings' to establish a climate of trust, safety, and respect.
- Active monitoring of rule following behavior.
- Classroom management will include plans for transitioning from one activity to another, as well as the organization and cleanliness of the learning environment.

Community Engagement

Best Academy will focus on improving dialog among students, parents, teachers and administrators on topics regarding discipline

- There will be consistent application, by personnel, as to when to involve parents in attempts to improve a student's behavior; training provided to personnel on when and how best to involve parents; and consistency of feedback provided to personnel when deviations occur in the implementation of policy.
- During the school's annual meeting Best Academy will report on discipline initiatives, the MDHR Plan, as well as review the discipline policy. During this time parents and community members will have the opportunity to raise concerns and share suggestions.
- Best Academy will ask discipline specific questions on its Parent Survey in order to assess the effectiveness of charter school strategies that seek to increase engagement and policy clarity.
- Before the start of the School Year copies of the school's Parent & Scholar Code of Conduct will be distributed to staff and parents whether electronically or in a hard copy. A copy of the Parent & Scholar Code of Conduct will remain in the school's front office at all time.