

Minnesota Department of Human Rights and Bloomington School District, #271 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.

The Bloomington School District (District) provides public education to all school aged children within its district and is responsible for the District's budget, curriculum, personnel, and facilities.

On October 30, 2017, the Department and District met to discuss the suspension and expulsion data the District submitted over the past five years to the Discipline Incident Reporting System (DIRS) maintained by the Minnesota Department of Education (MDE). The Department identified disparities in the rate in which District suspended or expelled African-American students, students of color, and students with disabilities when the decision-making involved subjective, discretionary decisions. The Department also identified concerns with the number of suspensions and expulsions the District assigned African-American students, students of color, and students with disabilities relative to their enrollment in the District.

The Department and District 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 District applies its student discipline policies and procedures in a non-discriminatory manner.

The Department and District 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 District wish to reduce the unnecessary use of exclusionary discipline which can have serious, long term, and detrimental effects on student engagement and academic achievement.

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

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

The Department and District 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 District.

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

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

1. The District has developed and submitted to the Department a Discipline Plan (Plan), which the Parties attach as Exhibit A to this Agreement. The Plan will focus on conduct that the District 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 District 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 District 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 District will provide semi-annual reports by September 1 of each year, and the second semi-annual report by February 1. The September report will address activity for the preceding months of January through June. The February report will address activity for the preceding months of July through December. The first semi-annual report is due to the Department 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 District took to implement the strategy;
 - c. Metrics the District developed to measure the effectiveness of the strategy; and
 - d. Any changes implemented by the District 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 Diversion Committee is intended to be a space in which school districts and charter schools can network and share their best practices. The District 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 from racial and ethnic minority communities and students with disabilities; and
 - d. Develop and suggest recommendations for school boards, superintendents, discipline supervisors, principals, teachers, staff and discipline assessment teams on the issues identified within this Agreement. It is not intended that these recommendations are mandatory practices for Districts. However, if a District is not making progress on its goals, the Department may encourage the District to try some of the recommendations of the Diversion Committee.

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.

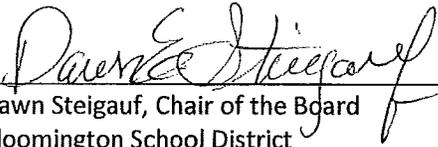
8. The Diversion Committee will provide information and suggestions to the Department. Based on the information and suggestions made by the Diversion Committee, the Department will:
 - a. Coordinate external stakeholders to drive toward community based solutions;
 - b. In collaboration with MDE, publish technical guidance on suggestions 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 District 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 District agrees that the Department, upon giving reasonable notice to the District to minimize disruption, may conduct an on-site review or request additional information from District 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 matter 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. The Parties do not construe this Agreement as an admission of liability or wrongdoing by or on behalf of the District or any other party identified in interest with the District. The Department has not made a probable cause discrimination finding against the District in violation of the Act. Subject to paragraph 18 of this Agreement, the Department agrees that this Agreement will not increase the District's exposure to claims of discrimination by the Department related to District's Discipline policy and practices. .
14. This Agreement begins on the date that the parties execute it and the Agreement ends upon the District's submission to the Department of the District's 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 District is in violation of Minnesota law or material breach of this Agreement, the Department will notify the District in writing and will identify the specific provisions of this Agreement the Department believes the District is breaching. Before it will pursue an administrative charge or judicial proceedings, the Department will request a meeting with the Superintendent to resolve the outstanding issue. The Department shall only initiate an administrative charge or judicial proceedings to enforce this Agreement if the parties reach an impasse after negotiating in good faith for 30 days.
19. District agrees to notify and provide a copy of this Agreement to the United States Department of Education, Office of Civil Rights (OCR). In the event OCR identifies a conflicting term or provision, the District and Department agree to negotiate, in good faith, an alternative term or provision to this Agreement. The Parties agree that if any term or provision in this Agreement conflicts with any term or provision in any resolution and/or agreement District reaches with the United States Department of Education, Office of Civil Rights (OCR) regarding OCR Docket # 05-15-1068, then the conflicting term or provision in this Agreement shall not be subject to paragraph 18 regarding material breach and initiation of judicial proceedings.
20. Nothing within this Agreement prevents the Department from periodically requesting information from the District concerning all of its suspension and expulsion decisions to ensure that the District has correctly identified the suspension and expulsion decisions subject to this Agreement.

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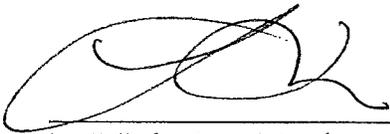
February 26, 2018

Date


Dawn Steigauf, Chair of the Board
Bloomington School District

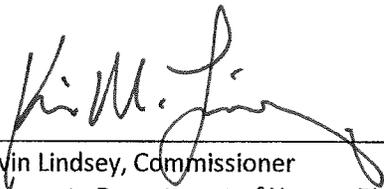
February 26, 2018

Date


Les Fujitake, Superintendent
Bloomington School District

3/28/18

Date


Kevin Lindsey, Commissioner
Minnesota Department of Human Rights



DISCIPLINE PLAN
February 7, 2018
MDHR Agreement Exhibit A

Bloomington Public Schools Behavioral Support Philosophy

We believe that keeping students in class is essential to ensuring their readiness to thrive in our rapidly changing world. Therefore, our behavior support system will:

- be proactive in developing positive behavioral support processes;
- be culturally intelligent;
- only use removal from class and/or school as a last resort;
- guide building level decision making in regards to student misconduct.

This Discipline Plan addresses the following problem statement.

Problem Statement: Description of the issue that needs to be addressed

Students can be denied the full utilization and benefit of a public school system by being suspended out of school. This denial can negatively impact the affected students' educational outcomes.

Problem Measurement: Description of how the problem is measured

The Discipline Incident Reporting System (DIRS) report data shows that almost half of the District's Out of School Suspensions (OSS) are for subjective/discretionary reasons = Attendance, Bullying, Cyber-Bullying, Disruptive/Disorderly Conduct/Insubordination, Harassment, Threat/Intimidation (unless it is a credible threat of violence, i.e. social media post with weapon and threat), and Verbal Abuse

Out of School Suspensions Unduplicated Reasons for Suspensions	16-17	16-17
Non-Discretionary Activities	159	55%
Subjective/Discretionary	132	45%
Total	291	100%

Metrics that Measure Problem Correction:

18-19 and 19-20 targets may be revised when 2017-2018 data is available.

Out of School Suspensions Unduplicated Reasons for Suspensions	16-17	17-18	18-19	19-20	20-21
Non-Discretionary Activities	159	TBD	89	66	50
Subjective Discretionary	132	TBD	57	38	30
Total	291	TBD	146	104	80

Board Strategies and Action Plans		
Board's Responsibilities	Strategy	Action Plan to Implement Strategy
Policies	Schedule review/update of School Board policies relevant to OSS	Review/update of policies relevant to OSS by Jan. 15 of each year
District Leadership Oversight	Schedule the review of OSS data and decisions Schedule the study of the Metrics that measure problem correction	Study OSS data and decisions and the problem correction metrics for the year just ended by July 15 of each year Establish School Board protocols if targets are not met
Community and Student Engagement	Establish and maintain process to obtain parent/student feedback on OSS	Obtaining Parent Teacher Student Association Council and Board Student Advisory Council feedback by Dec. 1 of each year
Plan Review and Support	Establish annual review of this Plan	Plan review and support to be part of the District's annual budgeting process (District's budgeting process starts in Jan. and ends in June of each school year)
Reporting to the Department	Department and District will annually agree/update reporting format and content requirements	Proposed Annual Report form is Exhibit A of this Plan The Annual Report for the school year just ended to be submitted to the Department by Sept. 15 of each year. This reporting will end if the District achieves the Plan's Targets

District Leadership Strategies and Action Plans

Supt./Asst. Supt Responsibilities	Strategy	Action Plan to Implement Strategy
Leadership	Assistant Superintendent to be the District's Discipline leader	Asst. Supt.'s Job description has been amended to include this responsibility Asst. Supt. will ensure that Sites and Schools execute their respective plans
Organizational Development	Establish a Student Discipline Support Team (SDST) to review district discipline data, review current building-by-building OSS practices and strategies and make recommendations for system-wide improvements in an effort to reduce OSS	A principal has formed and is leading the SDST The SDST will provide a written report of its recommendations no later than May 1, 2018 Recommendation to be ready for implementation for the 18-19 school year
Operational Oversight	Establish protocols for engaging Asst. Supt. and Supt. in OSS decisions Regularly study of the metrics that measure problem correction	Supt. and Asst. Supt. to study OSS data and decisions on a monthly basis Establish leadership protocols if targets are not met
Governance Reporting	Provide School Board with information to fulfill their District Leadership oversight responsibilities	Provide annual student discipline report for the school year just ended to the School Board before September 1 of each year.
State Reporting	Schedule the study of the Metrics that measure problem correction Establish School Board protocols if targets are not met	The District will complete annual report for the Board's review and approval.
Community and Student Engagement	Collaborate with School Board to establish and maintain process to obtain parent/student feedback on OSS	Ensure that the Board obtains Parent Teacher Student Association Council and Board Student Advisory Council feedback by Dec. 1 of each year

OSS information system	Establish and maintain information system needed to make informed OSS decisions	New system was installed in 16-17 school year. System is now operational.
Student Handbook	Establish Guidelines for sites/schools regarding OSS suspensions.	Exhibit B are the guidelines that will be put into effect for 18-19 student handbooks
Minnesota Department of Education (MDE) Collaboration	Collaborate with the MDE	Engage the MDE to explore and utilize their technical assistance support

Site/School Leadership Strategies and Action Plans		
Principal/Site Leader Responsibilities	Strategy	Action Plan to Implement Strategy
Continuous Improvement	<p>Assign an existing site team to establish a continuous improvement plan in an effort to reduce subjective OSS for all students and in particular for students who are African American and are in special education.</p> <p>Utilizing the Plan-Do-Study-Act model (Continuous Improvement Process), this team will review school discipline data, review site/school student behavior support and discipline practices and strategies and set targets.</p>	<p>The principal/site leader will guide the development, implementation and evaluation of significant policies, initiatives, professional development, programs, instructional practices, and budget issues to address the impacts on equity. Job description will be reviewed and updated as needed.</p> <p>Specifically, each school will have a team to review discipline. Each building site team will:</p> <ul style="list-style-type: none"> • Designate a team lead to coordinate the work of the team and its meetings; • Consider all <i>school personnel</i> input as the school moves toward full implementation of behavior and interventions supports through a multi-tiered system. • Consider <i>student</i> input as the school moves toward full implementation behavior and interventions supports through a multi-tiered system, • Use a continuous improvement process to evaluate consistent use of fidelity measures at sites. • Ensure positive behavior and

		<p>intervention systems expectations and processes are reviewed regularly with staff, including sharing discipline data (Office Discipline Referrals).</p> <ul style="list-style-type: none"> • Use a continuous improvement process to review and analyze suspension decisions on a weekly basis. For example, any discipline decision, which could possibly lead to an OSS, will be made, in collaboration with 2 or more site team members.
Professional Development	<p>Professional development focused on preparation and capacity building to promote evidence-based methods of fostering positive school engagement.</p>	<p>Each site will assess their suspension data, define the problem and develop a professional development plan to reduce OSS.</p> <p>Coordinating with the District's PD Steering Committee as well as recommendations from the district advisory team, principals/site leaders, Learning Support Leads, and Instructional Leads will expand professional development opportunities offered and available through Bloomington Public Schools to all staff,</p> <ul style="list-style-type: none"> • <i>Examples of effective strategies may include, but are not limited to: Implicit Bias, Cultural Competency, Evidence-based Positive School Discipline, Trauma Informed Schools, De-escalation Techniques, Restorative Justice, Conflict Resolution and Age Appropriate Responses to Behaviors, etc.</i>
Consistent Language and Procedures for Discipline	<p>Sites will develop and implement a comprehensive positive school discipline strategic plan. This plan encompasses positive behavioral intervention and supports foundational concepts including, but not limited to, explicit teaching of agreed upon school-wide expectations, establishing a continuum</p>	<p>Ensure sites are implementing foundational concepts with fidelity, which includes explicit teaching of agreed upon school-wide expectations, establishing a continuum of positive consequences and a continuum of discipline responses.</p> <p>School site teams will support effective implementation, monitor progress and evaluate outcomes.</p> <p>School site teams will analyze and review regularly consistent procedures for</p>

	of positive consequences and a continuum of discipline responses.	removing students from class, involvement of parents/guardians, and early identification of students at risk for suspension. School site teams will review discipline data quarterly to study trends and adjust programming as needed.
Implementation of MTSS	Schools will create a comprehensive plan to implement supports and services within the MTSS framework that is aligned with the District's overall vision and mission.	Continue current work around incorporating student-centered instruction, SEL, PBIS, and Mental Health practices under the Student Wellness umbrella in order to provide a continuum of services and supports through all tiers.

School Resource Officers (SRO)

1. The District will ensure that all contracts with local law enforcement agencies explicitly provide that SROs shall not recommend, determine or provide input on student discipline.
2. The District shall not request SROs to respond to any situation that District personnel can adequately handle. Incidents such as disorderly conduct, bullying, cyber-bullying, disruption of school assembly or activities, profanity, dress code, and fighting that does not involve physical injury or a weapon, shall be considered school discipline issues to be handled by school officials unless the SRO is necessary to protect the physical safety of students, school personnel, or public.
3. The District shall provide training to school personnel regarding the appropriate role of the SRO and the circumstances under which school personnel may request assistance or make a report to the SRO. The training will also emphasize that school personnel are not to refer students to law enforcement because of conduct in the classroom unless the physical safety of students, school personnel, or the public is jeopardized. A copy of this training agenda/materials will be submitted to Department by October 1, 2018.

**EXHIBIT A
ANNUAL OUT OF SCHOOL SUSPENSION REPORT**

Annual – First Report

- Submitted to the Department by March 15, _____

Annual – Second Report

- Submitted to the Department by September 15, _____

PLAN	DATE REVIEWED
Annual Plan Board Review	

RELEVANT POLICIES	DATE REVIEWED
Policy 413, Harassment and Violence	6/12/17
Policy 514, Bullying Prohibition	6/12/17
Policy 506, Student Discipline	6/13/16

FEEDBACK
<p>Parent Teacher Student Council – Parent from each of our schools, parents from our early childhood programs, parents from minority groups meet monthly. The Superintendent and a Board member attend these meetings.</p>
<p>Board Student Advisory Council – This Council is established by Board Policy -Comprised of middle and high school students – a representative from each high school is a student representative on the School Board</p>

Metrics that Measure Problem Correction:

Out of School Suspensions Unduplicated Reasons for Suspensions	17-18 Actuals	18-19 Actuals	19-20 Actuals	20-21 Actuals
Non-Discretionary Activities	TBD	TBD	TBD	TBD
Subjective Discretionary	TBD	TBD	TBD	TBD
Total	TBD	TBD	TBD	TBD

Assessment of Actual Results and Action to be Taken:

Approved by _____

Superintendent

Date _____

EXHIBIT B
STUDENT HANDBOOK GUIDELINES

All Sites/Schools will have student handbooks that comply with the following guidelines.

- The following policies will be referenced
 - Policy 413, Harassment and Violence
 - Policy 514, Bullying Prohibition
 - Policy 506, Student Discipline

- Contact information
 - The Assistant Superintendent will be identified as the District's leader in charge of discipline. The Assistant Superintendent's contact information will be included.
 - The person in charge of discipline at a site/school will be identified along with his/her contact information.

- District's behavioral supports philosophy will be included.