

**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.

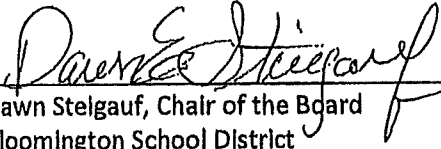
8. The Diversion Committee will provide information and suggestions to the Department. Based on the information and suggestions made by the Diversion Committee, the Department will:
 - a. Coordinate external stakeholders to drive toward community based solutions;
 - b. In collaboration with MDE, publish 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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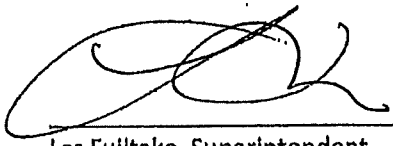
February 26, 2018

Date

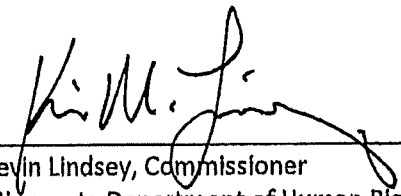

Dawn Stelgauf, Chair of the Board
Bloomington School District

February 26, 2018

Date


Les Fujitake, Superintendent
Bloomington School District

3/28/18
Date


Kevin Lindsey, Commissioner
Minnesota Department of Human Rights

MDHR Discipline Report: 2020/21 Full Academic Year Report

District	Bloomington Public Schools
Date	August, 2021

Preamble:

The goal of this report is to provide MDHR with the Bloomington Public Schools annual discipline report (approval from MDHR to combine February, 2021, semi-annual report with September, 2021 semi-annual report due to COVID-19), which overviews goals, strategies and outcomes of the district's efforts to reduce the number of students being suspended out of school and removed from the classroom.

Problem Statement:

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.

Opening Statement

Bloomington Public Schools believes that keeping students in class is essential to ensure their readiness to thrive in our rapidly changing world. Therefore, through our work with MDHR and MDE, we've worked to create a behavior support system which:

- Is proactive in developing culturally intelligent, positive behavioral support processes
- Only uses removal from class and/or school as a last resort
- Guides building level decision-making with regard to student misconduct

Goal #1 : Create a behavior support system which is proactive in developing culturally intelligent, positive behavioral support processes.

What	Description
Strategy	Adopt a district-wide framework and set of tools to develop Culturally Proficient schools.
Strategy	Develop and implement a comprehensive Cultural Proficiency professional development and training plan that includes all staff and the School Board.
Strategy	Establish a vision and action plan for creating the most Safe and Supportive Schools possible, helping each student thrive and positively engage in school.
Who is responsible	<ul style="list-style-type: none"> • School Board • Superintendent • Assistant Superintendent • Office of Educational Equity Staff • Special Education Department Staff • Learning Supports Department Staff • Building Principals

Timeline (start- completion/full implementation)	Cultural Proficiency Training and Implementation: Start - Spring, 2019; Full Implementation: Summer 2023 Safe and Supportive Schools Vision and Action Plan: Start - Winter, 2020; Full Implementation: Ongoing via Design Thinking Process
What are the projected outcomes?	All staff will be fully trained in the Cultural Proficiency framework and tools. All staff will use the framework and tools when engaging in practices to proactively address behavior concerns. All leaders will engage in monthly Safe and Supportive Schools sessions strengthening their capacity to develop the most Safe and Supportive School system possible.
What are the metrics/what data will you use to determine success?	<ul style="list-style-type: none"> • Minnesota Student Survey Data • BPS School Climate Survey Data • Building Discipline Data (number of referrals by reason and by student group (race, EL status, and special education status) • District Discipline Data (number of referrals by reason and by student group (race, EL status, and special education status)

Goal #2: Create a behavior support system which only uses removal from class and/or school as a last resort.

What	Description
Strategy	Develop and implement a comprehensive Restorative Practices professional development and training plan that includes all staff.
Strategy	Reduce reliance on in-school suspension program (PAUSE) and ensure all PAUSE staff are fully trained in Restorative Practices, with the aim of getting students back into classes when restoration has taken place.
Strategy	Provide staff with Non-Violent Crisis Intervention (NVCI), de-escalation training.
Strategy	Providing behavior management techniques and training for staff who work with students receiving special education services.
Who is responsible	<ul style="list-style-type: none"> • Assistant Superintendent • Office of Educational Equity Staff • Special Education Department Staff • Learning Supports Department Staff

	<ul style="list-style-type: none"> • Building Principals
Timeline (start- completion/full implementation)	<p>Restorative Practices Training and Implementation: Start - Fall, 2020; Full Implementation: Summer 2023</p> <p>Reduce Reliance on PAUSE Program: Start - Spring, 2021; Full Implementation: Fall 2023</p> <p>Provide Staff with NVC I Training: Ongoing</p> <p>Providing Behavior Management Techniques and Training for Staff: Ongoing</p>
What are the projected outcomes?	<p>All staff and building leaders will be fully trained in Restorative Practices and NVC I. All staff and leaders will utilize Restorative Practices processes and NVC I when working with students and behavior concerns, ensuring that students are only removed from class and remain out of class as a last resort.</p> <p>Reduce building leaders' reliance on the PAUSE (in-school suspension) program to ensure that students re-enter the classroom as soon as they and those impacted are ready to do so effectively.</p>
What are the metrics/what data will you use to determine success?	<ul style="list-style-type: none"> • Building Discipline Data (number of referrals by reason and by student group (race, EL status, and special education status) • District Discipline Data (number of referrals by reason and by student group (race, EL status, and special education status) • Building PAUSE program data (use and number of days)

Goal #3: Create a behavior support system which guides building-level decision-making with regard to student misconduct.

What	Description
Strategy	Monthly training for school leaders on how to best create a Safe and Supportive School environment. Training includes embedded examples and modeling of Cultural Proficiency and Restorative Practices (see Goal #1 above)
Strategy	Revise reporting system to ensure less severe discipline "reason" categories are nearer to the top of the drop-down selection list (example: "assault" moved from top of list to near bottom - not a first option for selection as in the past)
Strategy	Reporting system training for staff to increase commonality in reporting practices across schools.

Who is responsible	<ul style="list-style-type: none"> • Assistant Superintendent • Learning Supports Department Staff • Special Education Department Staff • Learning and Teaching Department Staff
Timeline (start- completion/full implementation)	<p>Safe and Supportive Schools Sessions for school leadership: Start - Fall 2019; Full/Continuing Implementation - Present/Ongoing</p> <p>Revised reporting system: Start Fall - 2020; Full implementation - Fall 2021</p> <p>Reporting system training: Start and Implementation Fall 2021</p>
What are the projected outcomes?	<p>All building leaders will be able to embed Cultural Proficiency and Restorative Practices into professional development (including staff meetings, etc.) at their school/site.</p> <p>All appropriate staff will be trained in discipline reporting using the revised discipline reporting system/category list.</p>
What are the metrics/what data will you use to determine success?	<ul style="list-style-type: none"> • Building Discipline Data (number of referrals by reason and by student group (race, EL status, and special education status) • District Discipline Data (number of referrals by reason and by student group (race, EL status, and special education status)

Data

Quantitative

Out of School Suspensions Unduplicated Reasons for Suspension	16-17 Actuals	17-18 Actuals	18-19 Actuals	19-20 Actuals	20-21 Actuals
Non-Discretionary	159	147	110	125	13
Subjective/Discretionary	132	107	104	68	3
Total	291	254	214	193	16

*Per MDHR, "Subjective/Discretionary" includes attendance, bullying, cyber-bullying, disruptive/disorderly conduct/insubordination, harassment, threat/intimidation (unless a credible threat of violence and verbal abuse).

2020-21 Out of School Suspensions by Race (*Racial Groups Determined by MDE)						
Amer. Indian	Asian	Black	Hispanic	Multi-Race	White	Total
1	0	5	3	4	3	16

2020-21 Out of School Suspensions Unduplicated	
Receive Special Education Services	6
Do Not Receive Special Education Services	11
Total	16

2020-21 Out of School Suspensions Unduplicated	
Receive English Language Services	2
Do Not Receive English Language Services	14
Total	16

2020-21 In & Out of School Suspensions Unduplicated	
In School Suspensions	51
Out of School Suspensions	16
Total	59

Qualitative Narrative (What do the numbers mean)

As we might expect from a school year with students in physical school buildings intermittently, incidents of discipline have sharply decreased from prior years.

The overall percentage of "Subjective/Discretionary" incidents has decreased from the 2019-20 school year. The percentage of incidents resulting in Black students being suspended out of school (31%) is disproportionately higher than the overall percentage of Black students enrolled in the district (18%). However, this gap has narrowed slightly this past year from the previous year (35% in 2019-20 to 31% in 2020-21).

The percentage of incidents resulting in students who receive special education services being suspended out of school (37.5%) is also disproportionately higher than the overall percentage of students receiving special education services in the district (16.5%). This gap has widened since one year ago (29% in 2019-20 to 37.5% in 2020-21). One caveat to this data is that, with only 16 incidents resulting in out of school suspension tota, the n is small.

The percentage of incidents resulting in students who receive English language services being suspended out of school (12.5%) is proportionate to the percentage of students who receive English language services enrolled in the district (13%).

Perhaps one of the most often expressed take-aways by school leaders and staff from this data and past year is the importance of supporting each student and their unique needs. A hypothesis we hold is that by creating a safe and supportive school climate and culture, we'll reduce incidences of behavioral incidents and proportionality in reporting that matches the

demographics of the district.

Approved by  (Superintendent or designee)

Date 8/30/2021