

**Minnesota Department of Human Rights and
Independent School District No. 286
Agreement**

This Agreement is entered into by and between the Minnesota Department of Human Rights ("Department") and Independent School District No. 286, Brooklyn Center ("District"). The Department and the District will be collectively referred to as the Parties.

WHEREAS, the Department enforces the Minnesota Human Rights Act (Act) and also addresses equity issues through education, conference, and conciliation. See Minn. Stat. § 363A.06.

WHEREAS, the Department initiated a statewide effort to address issues related to disparities in student discipline rates that exist in school districts and charter schools across Minnesota.

WHEREAS, the Department invited the District to participate in its statewide efforts to address student discipline disparities in Minnesota.

WHEREAS, disparities in student discipline rates is an issue of national concern, there is no consensus as to the root cause of any disparities that exist in student discipline rates within the District, within Minnesota, or across the United States, and there is no current consensus as to how best to address any disparities that may exist.

WHEREAS, 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 consistent manner.

WHEREAS, the Department and District have a strong commitment to:

- Work together on behalf of all District 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.

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

WHEREAS, the Department and District recognize that there are many strategies that can be implemented to address any student discipline disparities that may exist within the District or any of its schools and that the District should have the ability to select the specific strategies it feels are best for its school community.

WHEREAS, the District already proactively implemented a number of steps in an effort to determine and address the root cause of any discipline disparities that may exist and is willing to partner with the Department as part of a statewide effort to further explore avenues to reduce instances in which student behaviors result in students being subject to exclusionary discipline.

WHEREAS, the Department has not received any kind of charge of discrimination regarding the District's discipline policies and procedures and has not made a probable cause finding of discrimination in with respect to discipline disparities that may exist within the District.

WHEREAS, the District expressly denies any allegation that any disparities that may exist with respect to student discipline imposed by the District are the result of discrimination or any other unlawful conduct.

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

1. The District is voluntarily entering into this Agreement because it is interested in being an active participant in the Department's statewide efforts to address disparities in student discipline and because this Agreement aligns with the District's interests in strengthening, promoting, and improving its existing anti-discrimination policies and procedures.
2. On or before October 1, 2018, the District will develop and submit a final Educational Plan (Plan) to the Department. An initial draft of the Plan is attached to this Agreement Exhibit A and if agreed to by both parties after October 15, 2018, the final Plan shall be incorporated into this Agreement as Exhibit B. The District will obtain input from students, parents, and teachers to obtain qualitative data on a regular and on-going basis concerning the plan identified in Exhibits A & B and will provide the Department with information on the District's engagement efforts and how the District utilized input from stakeholders.
3. The District will maintain discretion to determine how to undertake the efforts outlined in the Plan.

4. 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. Each report will address activity for the preceding six months. The first semi-annual report is due to the Department on September 1, 2018.

5. At a minimum, the annual report will include the following information:

- a. The intended outcomes;
- b. Specific steps the District took to comply with the requirements of Section 3;
- c. Metrics the District developed to measure the effectiveness of Section 3;
- d. Summary data, as defined in Minnesota Statutes section 13.02, subdivision 19, containing the following information: (1) the number of suspensions, exclusions, and expulsions at each school site during the reporting period; (2) a brief description of the reason for each suspension, exclusion, and expulsion; and (3) disaggregated data showing the breakdown of each disciplinary incident identified in the report by race and by disability status;
- e. Any changes implemented by the District in light of the data analysis required pursuant to Section 3.

6. 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 which are subject to this Agreement. Such disclosure requests are subject to state and federal data practices laws.

7. The Parties acknowledge that the release of information concerning this matter is governed by the Federal Educational Rights and Privacy Act, 20 U.S.C. 1232g, the Minnesota Human Rights Act, Minn. Stat. §§ 363A et. seq., the Minnesota Government Data Practices Act, Minn. Stat. §§ 13.03 et. seq., and the Official Records Act, Minn. Stat. §§ 15.17 et. seq. The Department agrees that any personally identifiable educational data received from the District will not be re-released unless ordered by a Court of competent jurisdiction. The Department agrees to maintain any educational data received from the District in a secure manner with restricted internal Department access to such educational data. The District acknowledges the Department's right to seek educational data under Minn. Stat. § 363A.06, Subd. 1(a)(9) pursuant to a lawfully issued subpoena and the Department acknowledges the Student's or Parent's right to challenge the requested release of educational data.

8. The Department will identify any concerns with the District's reports no later than sixty (60) days after the Department receives the report from the District. The Department will (a) identify deficiencies with the submission provided by the District; (b)

identify how the District can address the deficiencies; (c) give the District an opportunity to propose solutions; and (d) provide the District sufficient time to remedy the identified deficiencies.

9. The Department, in collaboration with MDE, School Districts, and Charter Schools, will create a Diversion Committee during the 2017-2018 school year. The District will designate a representative or representatives to serve on the Diversion Committee.

10. 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. The District reserves the right to dissent or otherwise disassociate itself from the legislative proposals in its sole discretion;
- 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.

11. 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.

12. 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 information collected from 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 District on policies, efforts to reduce suspensions, and data analysis; and
- g. Use its best efforts to secure resources from the Minnesota legislature, 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.

13. The Department will not bring a Commissioner's administrative charge for violations of the Act related to the suspension and expulsion decisions the District made prior to the execution of this Agreement. This paragraph will not be construed to prohibit the Department from investigating charges of discrimination that are unrelated to the suspension and expulsion decisions made by the District.

14. 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.*

15. 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.

16. 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. In the event any portion of this Agreement is declared invalid, the Parties will meet within 15 days of the declaration and engage in good faith negotiations to determine if they should modify or terminate the Agreement.

17. This Agreement is not to be construed 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 that it has in any way or manner violated the Act.

18. This Agreement begins on the date that the parties execute it and ends on September 1, 2021.

19. 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.

20. 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.

21. 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.

22. This Agreement and Exhibits A & B shall be effective only upon its approval by the District's School Board.

5/29/18
Date

Ruthie M. Dallas
Ruthie Dallas, School Board Chair
Independent School District No. 286

5/15/18
Date

Carly Baker
Carly Baker, Superintendent
Independent School District No. 286

5/30/18
Date

Kevin Lindsey
Kevin Lindsey, Commissioner
Minnesota Department of Human Rights



Exhibit B

Suspension and Expulsion Reduction Plan
 ISD#286 Brooklyn Center School District

Purpose: To eliminate racial predictability and decrease disproportionality in discipline for students of color and students with disabilities by significantly reducing the number of suspensions and expulsions in the district.

Discrepancy Data: In 2015-2016, thirty-seven percent of student out-of-school suspensions were based on subjective reasons as reported in the Discipline Incident Reporting System (DIRS). Additional student data indicated the following regarding the number of out-of-school suspensions:

SUB-GROUP	2015-16	2016-17	2017-18*
Black	219	283	184
Students of Color	233	343	231
Student with Disabilities	56	133	92

**2017-18 data may not be reliable as multiple referrals from one site did not report disciplinary action.*

Corrective Action Goals: The following targets have been established for the next three years. Student out-of-school suspensions should not exceed the target number for each sub-group.

SUB-GROUP	2018-19	2019-20	2020-21
Black	160	120	80
Students of Color	170	130	90
Students with Disabilities	35	25	15

School Board Governance Strategies and Action Plans		
Responsibilities	Strategy	Implementation Action Plan
Policies	Review/update all School Board policies using the <i>Policy Equity Analysis Tool</i> through the Great Lakes Equity Center © 2014.	Board Policy Committee and entire Board examine policies in six analytical domains with a particular focus on educational equity.
Policies	Review/update School Board policies relevant to suspension and student behavior.	Annual review/update during January Regular School Board Meeting.
Accountability	Issue a moratorium on out-of-school suspensions for all students in kindergarten through grade 2.	Communicate to all stakeholders implementation date of Oct. 1, 2018 through June, 2021.
District Leadership Oversight	Data review and monitoring of disaggregated district behavior data.	Monthly analysis at Regular School Board Meetings of the Brooklyn Center Data Scorecard which includes enrollment, attendance, behavior referral and suspension data.
Community and Student Engagement	Establish and maintain a process to collect feedback and input concerning the district's discipline policy and implementation of the Suspension and Expulsion Reduction Plan by school personnel.	Sessions to collect feedback and input concerning the discipline policy conducted annually by December. Sessions to collect feedback and input concerning the implementation of the Suspension and Expulsion Reduction Plan conducted annually by February to align with district budgeting process.
Budget	Provide the Superintendent and staff adequate resources and support to implement the district's discipline policy and corrective action strategies with fidelity.	Approve annual budget that reflects community and student engagement feedback sessions and provides equitable resources that support the social and emotional learning needs of students and families.

Superintendent Leadership Strategies and Action Plans		
Responsibilities	Strategy	Implementation Action Plan
Leadership	Provide oversight of district suspension and expulsion decisions.	Monthly root cause analysis with district Cabinet leaders of the Brooklyn Center Data Scorecard which includes enrollment, attendance, behavior referral and suspension data.
Leadership	Designate a leadership representative to participate on the MDHR Diversion Committee and serve as the liaison between the Mn Department of Human Rights and the school district.	The Executive Director of Teaching and Learning will serve on the MDHR Diversion Committee, serve as the communication liaison between MDHR and the school district, and provide oversight for implementation of the district Suspension and Expulsion Reduction Plan.
Operational Oversight	Review all district discipline policies with principals to connect policy with procedural application for consistent implementation at schools.	Weekly meetings with principals to review behavior policies, practices, and referral/suspension data.
Organizational Development	Provide training for leaders in best practices regarding racial inequities in education, discipline decision making, positive behavior supports, alternatives to suspension, and restorative practices.	Annually train principals, assistant principals and deans on the <i>Protocol for Suspension Decision Making</i> identifying specific action steps to follow for both general education and students with special needs. Site leaders trained in PBIS, ATS and restorative practices August, 2018. Site and Cabinet leaders participate in the Institute for Courageous Principal Leadership at the Center for Educational Leadership at MN State University-Mankato (Edina campus), a two-year cohort that develops the racially conscious skills of education leaders to interrupt the status quo.
Governance Reporting	Provide School Board with data to fulfill their District Leadership Oversight responsibilities.	Provide monthly Data Scorecards prior to School Board Regular Meetings. Provide annual student discipline report for the school year just ended to the School Board before September 1 of each year.

Accountability	Establish and communicate leadership priorities for educational equity and the interruption of implicit bias in all district departments.	Annual performance management goal setting for Cabinet leaders to include an intentional educational equity/culturally responsive goal.
State Reporting	Ensure district maintenance of all relevant MDHR Agreement documents and DIRS data submission to MDE	Submit semi-annual reports to MDHR by September 1 and February 1 of each year including all information identified in within the Agreement.
Community and Student Engagement	Collaborate with School Board to establish and maintain a process to collect feedback and input concerning the district's discipline policy and implementation of the Suspension and Expulsion Reduction Plan by school personnel.	Ensure the School Board annually obtains feedback and input concerning the discipline policy and implementation of the Suspension and Expulsion Reduction Plan December and February of each year to align with district budgeting process.

Site/Principal Leadership Strategies and Action Plans		
Responsibilities	Strategy	Implementation Action Plan
Leadership	Establish clear expectations for a welcoming, positive and safe learning environment.	Define, teach and practice three to five positively stated school-wide behavioral expectations that are representative of the local community and cultures in September and January.
Site/School Leadership Oversight	Provide leadership for school suspension decisions through data review and monitoring of disaggregated school behavior data.	Weekly administrative team meetings to review suspensions/behavior referral data. Data will be disaggregated by race, culture, gender, disability and FRP. Analysis will examine patterns of time, frequency, duration, and antecedents and will involve root cause analysis for productive problem solving.
Organizational Development	Provide training for school staff in best practices regarding discipline decision making, positive behavior supports, alternatives to suspension, and restorative practices.	Behavior support staff and school teams trained in PBIS, ATS and restorative practices August, 2018. Ninth grade teachers and additional secondary staff trained in the eight BARR-Building Assets, Reducing Risks strategies June, 2018.

Professional Development	Advance professional learning focused on preparation and capacity building to promote evidence-based methods of fostering positive school engagement.	Hire Culturally and Linguistically Responsive (CLR) Lead Teachers to provide continued training, support, coaching and monitoring of CLR strategies and pedagogy. Principal and CLR Leads collaborate to conduct CLR Learning Walks with identified measurable outcomes.
Consistent Language and Procedures for Discipline	Sites will develop and implement a comprehensive positive school climate/PBIS plan.	<i>Brooklyn Center Rights & Responsibilities Handbook</i> distributed and explained to all students, families and staff in August/September and January of each year. The handbook serves as the guide for site plans and includes explicit instruction of school-wide expectations, a continuum of positive consequences and a continuum of discipline responses. Site teams will support implementation with fidelity, monitor progress, evaluate outcomes, analyze and review procedures for removing students from class, involvement of parents/guardians, and early identification of students at risk for suspension.
Implementation of Response to Intervention (Rtl) within the National Community Schools Model	Guarantee and implement comprehensive supports and services for students/families that address academic, behavioral, social, emotional, and physical barriers to learning.	Implement evidence-based Rtl system for academic and behavioral supports and monitoring, on-site mental health and social work practices, and on-site health resources. Continue to incorporate intrapersonal and interpersonal life skills rubrics, developed in 2016 based on CASEL research, into daily instruction and interactions with students.
Student Engagement	Ensure opportunities for students to provide feedback regarding their own engagement and belonging experiences at school.	Facilitate completion of an annual student engagement survey to assess the effectiveness of district strategies to increase engagement of students of color and students with disabilities in school activities, and then use this information to identify and implement strategies that will continue to enhance engagement.
Empower Student Leadership & Elevate Voice	Increase student leadership opportunities at the site/school.	Ensure multiple opportunities, beginning in elementary school, for students to learn leadership skills. This includes Student Council, Centaur Council, Student School

		Board Representatives, Playworks Junior Coach Leadership Program, etc. Student focus groups for feedback on discipline and relationships will be conducted quarterly through various leadership forums.
Relationships Building & Partnership	Implement positive interactions between school staff and families	Sites/schools will develop a plan for positive family outreach that involves a personal approach to meet the individual needs of students.

Staff Strategies and Action Plans		
Responsibilities	Strategy	Implementation Action Plan
Relationships & Learning	Build strong welcoming and trusting relationships with students and families.	Teachers will use community building activities and strategies to get to know students, their cultures, and their families. Regular communication with families will involve newsletters, positive phone calls, invitations to participate and/or contribute to classroom learning, and personal invitations for school events. Relationships will be anchored in rigorous learning expectations as well as concern for students' overall well-being. After behavior mistakes occur, staff will work to reduce the amount of time students are sent out of the classroom. In cases where a student does leave the room, the student will be welcomed back into the learning environment with a "fresh start" and will be offered the opportunity to repair and/or restore.
Assessment & Implementation of Response to Intervention	Assess students social, academic, and emotional behavior risks and implement research/evidence-based interventions for students needing additional supports.	Completion of the SAEBRS (Social, Academic, and Emotional Behavior Risk Screener) by all classroom teachers for every child in October. Implement Problem Solving Process steps with fidelity of research and evidence-based interventions for every student evidencing the need for additional academic and/or behavioral supports. All elementary and secondary staff trained

		in academic and behavior interventions design, implementation, and monitoring August, 2018.
Professional Problem Solving	Implement job-embedded Professional Learning Community (PLC) to promote collaborative professional problem solving.	All licensed staff participate in the PLC Inquiry and Action Cycle which involves identifying, monitoring and documenting interventions, reviewing student work and formative assessments, and studying their instructional practice.
Professional Development	Participate in ongoing opportunities to build trusting relationships, increase student engagement, and increase use of culturally and linguistically responsive practices.	Continue ongoing professional learning sessions and individual coaching cycles for implementing culturally responsive strategies in the classroom/school.
Onboarding and Socialization	Provide a comprehensive new employee onboarding system and New Teacher Induction Program with relationships and educational equity at the center.	Educational equity and cultural responsiveness sessions taught during new employee orientation. New Teacher Induction Program provides eight full-days throughout the school year and focuses on culturally responsive strategies. Specific learning days emphasize student engagement, classroom environment and culture, and curriculum and pedagogy, and are aligned to the SD+ Rubric for Instructional Growth and Teacher Evaluation.

