

**Minnesota Department of Human Rights and
Independent School District No. 94
Agreement**

This Agreement is entered into by and between the Minnesota Department of Human Rights ("Department") and Independent School District No. 94, Cloquet ("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 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.

WHEREAS, the District contends the Department does not have jurisdiction over disparate impact claims in education under the Act, and further contends that, even if such jurisdiction exists, the District has legally valid and legitimate defenses to such a claim.

WHEREAS, the Department has jurisdiction to investigate claims of discrimination in education under the Act and contends it has jurisdiction over disparate impact claims in education under the Act.

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

1. The Department acknowledges its review of the District's discipline data did not originate from any claims of differential treatment in a student discipline matter.
2. 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.
3. 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 as 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's final Plan will include how and when the District will consult with and engage its Tribal community members regarding student discipline.

4. The District will seek input from students, parents, and teachers concerning the plan identified in Exhibits A and B and will provide the Department with information on the District's engagement efforts, including engagement and consultation with Tribal communities, and how the District utilized the input, if any.
5. The District will maintain sole discretion to determine how to undertake the efforts outlined in the Plan.
6. The District will submit reports according to the following schedule demonstrating its efforts to comply with the provisions of this Agreement:
 - February 1, 2019
 - September 1, 2019
 - February 1, 2020
 - September 1, 2020
 - February 1, 2021
 - September 1, 2021
7. At a minimum, the annual report will include the following information:
 - a. The District's intended outcomes for its Plan;
 - 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 the Plan.
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) allow the District an opportunity to propose solutions; and (d) provide the District sufficient time to remedy

the identified deficiencies. The Department's failure to provide a timely response to the District's report will be deemed acceptance of the annual report by the Department.

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; 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.

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 alleged violations of the Act relating to the District's suspension and expulsion decisions prior to the execution of this Agreement. The Department will not initiate or file an investigation or charge relating to the District's suspension and expulsion decisions based upon a disparate impact theory under the Act during the term of this Agreement. The Department and District agree to work together to resolve any questions or concerns the Department may have related to reported discipline data, subject to student data privacy rights. The obligations of this Paragraph survive the expiration of this Agreement as specified in Paragraph 21 and expire on September 2, 2022.

14. This Agreement 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 or any charges that the Department receives from third parties.

15. The Department agrees that the District commitments outlined in this Agreement are reasonably calculated to address any discipline disparities that may exist within the District.

16. 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.01 et seq., the Minnesota Government Data Practices Act, Minn. Stat. § 13.01, et seq., and the Official Records Act, Minn. Stat. § 15.17, as well as the rules and regulations associated with these laws. The Department may 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. 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. Nothing in this

Agreement shall impair or restrict the District's ability to bring an action to quash the subpoena or otherwise seek protective action with respect to the subpoena.

17. 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.

18. 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.

19. 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.

20. This Agreement begins on the date that the parties execute it and automatically expires on September 1, 2021.

21. 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.

22. 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.

23. 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.

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

7/17/18
Date

Ted Lammi
Ted Lammi, School Board Chair
Independent School District No. 94

7/17/18
Date

Michael D. Cary
Dr. Michael D. Cary, Superintendent
Independent School District No. 94

7/17/18
Date

Kevin Lindsey
Kevin Lindsey, Commissioner
Minnesota Department of Human Rights

Attachment A

Cloquet ISD 94 Plan to Reduce Discipline Referrals and Suspension and Expulsion Rates

The Cloquet School District believes that reducing disciplinary referrals for our students is more than about focusing on discipline policies and consequences. Students need to feel a sense of belonging with school, experience social and emotional support, and have positive views of themselves, their peers, and their future. This will require a multi-faceted approach, community engagement, and consistent assessment of defined indicators to determine how well our community is achieving these goals.

The following list of activities and initiatives include those things we already are doing and additional initiatives we will implement. We will continue the programs in place and start working on additional reviews and programing. However, the specific goals, strategies, and measurements will require additional work and will need to include input and support from a new school superintendent and high school principal who will assume their duties on July 1.

We plan to communicate our programs and progress with MDHR, but we would like to commit to supplying MDHR with these specific program plans and anticipated achievement measurements by October 1, 2018. We have a long-term vision for our continued improvement and feel that the initial program goals, objectives and measurements should be well planned.

The focus of the MDHR communications to schools is focusing on disparate disciplinary consequences on a protected-class group of students. In our case, the protected-class of students mostly are Native American. We are committed to lower disciplinary referrals/consequences for our Native American students, but these initiatives will target all our students, so we can see positive results for students who are experiencing difficulties in school. We will continue to work with the unique cultural and other needs of our Native American students, and, as you will see below, this also will include staff development/training. The alternative school we host was selected as the MN alternative school of the year this year. This shows our district's commitment to provide support for all students to be successful, especially those who are facing challenges to experience this kind of success.

Below are listed categories of responses our district has in place now or will be adding in the future.

Discipline/Social Emotional Support

- Restorative Practices

Our district is recognized as a leader in these practices, and we are expanding these in our other schools. This summer we hosted a week-long statewide conference in Restorative Practices.

- PBIS

Our elementary schools have been PBIS schools for some time. We will continue this program and integrate it with other initiative described below.

- ACES and Trauma Training

Our teachers have been receiving this training and this training will be ongoing. Our county is actively engaged in working with our schools with this training as well.

- Supportive Discipline Responses and Centers in Elementary Schools

Students in need of additional support and training will have access to additional de-escalation support, counseling, and academic support. We will hire certified staff to provide this support. This staff also will help our professional learning communities identify where in the state standards to implement additional social emotional lessons. MDE has a guide available to help with this. Plans, objectives, and activities will include the following;

- Restorative Actions/Commitments
- Family Communications
- De-escalation environment
- Academic Support
- Individual and Group Therapy and Counseling
- Skill building/replacement skills
- Tiered behaviorally focused intervention
 - For instance, time in the center will be limited according to intervention required. Students' time in regular classrooms is to be maximized as is appropriate.
- Recordkeeping

Our school board authorized staffing for our elementary and secondary schools in our school district. The elementary and secondary schools will be working on different models to support our students at academic, social, emotional, or behavioral risk.

- CHS/CMS Alternative to Suspension Activities

Our high school and middle school already have started working with alternatives to suspension, but these schools are going to expand on this program. Program details, goals, and objectives will be forthcoming and will include the following:

- Restorative Actions/Commitments
- Academic Support
- Counseling/Therapy/Groups
- Family Communications
- Tiered behaviorally focused intervention
 - For instance, time in the center will be limited according to intervention required. Students' time in regular classrooms is to be maximized as is appropriate.
- Recordkeeping

- Review and Standardize Discipline Policy and Records

- Review policies content
- Review recordkeeping and determine how to standardize categories and reporting
- Appoint person to Diversion Committee to work on upgrading DIRS reporting
- Standardize DIRS reporting within District
- Determine process/procedures/categories for tracking discipline
- Consider levels of behavior requiring certain interventions

- Plan Engagement Strategies to Review Disciplinary Policies and Procedures
 - Parent/Community Engagement
 - AIE Parent Committees
 - School Board
 - School Staff
 - Other
- Truancy Prevention
 - Review and standardize truancy response, records, correspondence among schools
 - Develop taskforce made up of school, City, County, and Tribal representatives to review truancy response and prevention procedures.
 - Develop procedures for tracking and recording truancy/reasons/student background influencing truancy/etc.
 - Parent education
 - Determine measurements to be tracked – quantity, responses, contacts, trends, etc.

- Consider Student Leadership Groups

We are not sure we will be starting more student leadership groups, but there are some programs we will wish to explore. Possibly, our Achievement and Integration (A&I) programming which becomes available to our school district for the 2019-2020 school year will help with this. The last time we work with A&I, student leadership training was one strategy planned. We were just eliminated from participation, after our plan was established, due to statistical calculations regarding our protected-class students eliminated us from the program. We are assured we will remain qualified for the program with this latest calculation qualifying us for implementation 2019 2010.

Social Individual and Group Support and Cultural Celebrations/Awareness

Following are programs we have in place. We will continue to expand and work with these initiatives.

- Morning Connections (Elementary Schools)
- Check and Connect for Native American Schools (K-12)
- After-School (AIE Program) – cultural and academic support and activities
- Annual School Pow-wow – cultural celebration and awareness/community activity
- Continue and expand Ojibwe/Anishinaabe Language
- Continue AIE Senior/Graduation Banquet
- Continue staffing five AIE liaison positions for student support and establishing quality school/family communications
- Work with two AIE parent committees – LIEC and JOM
- Continue to staff AIE Director to coordinate and write programs and grants to support cultural and academic programs.

Academic Support

Academic success will create a better school experience in school and a stronger sense of belongingness for our students. This will help lower behavioral and truancy issues.

- Continue strong AIE program staffed by AIE director, five AIE liaisons, academic tutors, certified teachers, and an Anishinaabe language/culture program.
- Staff ADSIS teachers to lower the need for special education referrals
- Continue credit recovery programs during the school day, after school hours, and during student breaks.
- OTHER: The following link will show the many programs and initiatives that the Cloquet School District has in place to support academic success: [Cloquet ISD # 94's World's Best Workforce Plan](#)

Social Emotional Education and Mental Health

- Continue to contract for 3.8 family school support workers (social workers networking school and county services and support)
- Over the years, our district has provided cultural training for our staff. We will use current staff expertise, bring consultants to our district, and hire new staff with appropriate backgrounds to provide consistent training and support for veteran staff and new staff in areas such as the following:
 - Cultural awareness and recognizing various levels of bias – implicit through explicit.
 - Trauma informed response.
 - De-escalation strategies.
 - Staff and provide cultural training for school social worker and counselors. These staff members will be able help train and educate students and school personnel.
 - Educational implications of working with diverse social/cultural/economic populations of students.
- Continue to network with local mental health agencies to provide assessments and therapeutic services – Northome, Fond du Lac Human Services, HDC, other
- Begin to work with our PLCs (Professional Learning Communities) to identify places in the Minnesota academic standards where we can implement social emotional education objectives which have been identified by the MDE.

Achievement and Integration Program

ISD 94 becomes eligible for over \$300,000 for Achievement and Integration programming during 2019 – 2020 school year.

The purpose of the Achievement and Integration (AI) program is to:

- Pursue racial and economic integration.
- Increase student achievement.

- Create equitable educational opportunities.
- Reduce academic disparities based on students' diverse racial, ethnic, and economic backgrounds in participating schools and districts.

Given this purpose, developing the required three-year AI plan warrants using a strategic planning process grounded in educational equity.

The process is built around four research-based concepts, referred to here as equity criteria. The following equity criteria provide an equity lens, center student needs, and are intentionally used to steer the planning process:

- Access
- Representation
- Participation
- Outcomes

During the 2019 – 2020 school year, the district will develop a plan which will increase academic achievement and racial and economic integration through the following:

1. Integrated learning environments that prepare all students to be effective citizens and enhance social cohesion;
2. Policies and curricula and trained instructors, administrators, school counselors, and other advocates to support and enhance integrated learning environments, including through innovative, research-based instruction, differentiated instruction, and targeted interventions to improve achievement; and
3. Rigorous career and college readiness programs for underserved student populations, integrated learning environments to increase student academic achievement; cultural fluency, competency, and interaction; graduation and educational attainment rates; and parent involvement.

A major focus is to emphasize reducing the achievement gap in reading and math. We also would be able to do more cultural education for students and staff members.

Staff Development

As described above in some sections. These objectives will include staff development for our certified and non-certified staff. Beyond the specifics of programs such as Restorative Practices and PBIS, staff development will include cultural awareness, particularly as it relates to our educational programming and implementation. Topics also will include recognizing implicit bias and implementing trauma informed responses. As our school district creates and Achievement and Integration plan, this should support our staff development and perhaps expand it to adjoining school districts.

Communications

The effectiveness of initiatives such as we are developing with this plan will, in large measure, be dependent upon appropriate communications. Stakeholders need to feel part of the planning process. They also need to understand the reasons for the plan and how the components of the plan are being implemented.

Additionally, stakeholders must believe that they are being heard and are receiving good communication during the implementation of the plan. Following are communication and communication supports we have in place and will be putting in place.

- American Indian Education (AIE) Program. MinnCan, the University of MN Mankato, and others have recognized that our school district has a very effective American Indian Education (AIE) Program. We continue to work with our AIE parent committees, parents, staff, and students to find more ways to improve this program. This program helps create equity of opportunity for success and does so with some very good communication tools as are listed below
 - Parent/Family surveys.
 - Academic supports at each school which communicates with parents and students about successes and struggles students may be having.
 - Monthly JOM and LIEC parent committee meetings – two AIE parent committee meetings.
 - Review programs and budgets.
 - Provide feedback on program operations.
 - Liaisons with district administration.
 - Indian Home School Liaisons at each school.
 - Provides emotional and other support for students.
 - Implement Check and Connect Program providing support and connections for students struggling with emotional and academic issues.
 - Be with parents and/or students during confusing or difficult issues – disciplinary, sped meetings, teacher conferences...
 - Help students access financial support for participating in extra- or co-curricular activities.
 - Presence at parent-teacher conferences.
- Achievement and Integration Program
 - In addition to the advantages listed above of participating in the Achievement and Integration Program, planning and implementing this program will require surveys and communications with our stakeholders.
 - Implementing the A & I program will involve at least one leadership team and a Multidistrict Collaborative Council (MDCC).
 - Leadership Teams. MDE suggests that, “the team should represent the ethnic, racial, linguistic, economic, and gender diversity of your community. By including voices from multiple perspectives, you will see more meaningful goals, more effective strategies, and have a greater impact on students.”
 - MDCC. MDE has the following requirements: “Districts are required to gather input from the Multidistrict Collaborative Council (MDCC), Community Collaborative Council (CCC), and American Indian Parent Committee when developing integration goals and activities. Decide how to schedule and facilitate input from these groups, then convene them after conducting the comprehensive needs assessment.”
 - Needs Assessment. MDE has developed tools and guidance for a needs assessment to plan and measure effectiveness of the A&I program. This will fit quite well with our planning and

communications regarding our agreement with MDHR. MDE's guidance for these needs assessment tools says that, "A needs assessment helps the leadership team determine areas of inequity and systemic barriers to integration and positive outcomes for students. The team collects, summarizes, and analyzes data from various data sources to be more strategic in your efforts to provide an equitable education for each student."

- Parent-Teacher Conferences. We have, before school starts, parent-teacher conferences or open houses at all our schools. During the school year, we have two other parent-teacher conferences.
- Parent Portal. Families have access to Parent Portal, so parents/guardians can stay in touch with their children's progress in school, usually close to real time.
- District website. Many communications and much information are available to families on our district's website.
- Newsletters go home to parents discussing school activities, programs, schedules, events, academic programs, and the like.
- Our AIE program periodically surveys families regarding school programming.
- A very effective community communications event is the annual spring pow wow our AIE program hosts.
- Our AIE program sends home newsletters to families.
- ESSA requires that we meet and collaborate annually about our school programming and outcomes. For instance, during our last meeting, tribal officials emphasized the need to work together to lower truancy rates.
- Our Title VI Indian Education federal grant program requires that we have an annual meeting with our Native American community to discuss academic progress and other program goals.
- MN requires that our LIEC annually determine if our school district is meeting the educational needs of our American student. The LIEC then delivers a Transmittal Resolution of concurrence or non-concurrence. A Resolution of Non-concurrence, though would not be a positive thing to happen, would require additional communications to determine how to better meet the needs of our Native American students and families.