

## **Minnesota Department of Human Rights and Columbia Heights School District 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. 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, supports 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 Columbia Heights 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 December 4, 2017, the Department and District met to discuss the suspension data the District submitted during the past five years into the Discipline Incident Reporting System (DIRS) maintained by the Minnesota Department of Education (MDE). The Department identified disparities in the rate in which the District suspended students of color or students with disabilities when the decision-making involved what the Department has identified as subjective, discretionary decisions, specifically, insubordination, or disorderly conduct. The Department also identified concerns with the number of suspensions the District assigned students of color or students with disabilities relative to their enrollment in the District.

The Department and District share mutual goals to support the following:

- 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 fair and equitable manner.

The Department and District have a strong commitment to:

- Work together on behalf of the District's students to support their success; and
- Collaborate and use their best efforts to improve student academic achievement by reducing any disparate suspension and expulsion outcomes for students from racial and ethnic minority communities and students with disabilities.

The Department and District acknowledge that the use of exclusionary discipline may 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 with 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 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 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 Strategic Plan (Plan), which is attached as Exhibit A to this Agreement. The Plan will focus on conduct that the District would report to MDE in the following DIRS categories: bullying, cyber bullying, harassment, disruptive/disrespectful behavior/insubordination, threats, intimidation, attendance, and "other acts". The Plan will identify the role and responsibilities of the Board, Superintendent, Principals, and other relevant individuals in imposing discipline that is properly implemented as identified within the Plan. The Plan will also include a section outlining the engagement effort of the District to engage input from students, parents, and teachers to obtain qualitative data on a regular and ongoing basis throughout the length of this Agreement.
2. The District will identify a representative to participate on a Diversion Committee established by the Department for the 2017-2018 school year.
3. 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 October 1 of each year, and the second semi-annual report by March 1. The October report will address activity for the preceding months of January through June. The March report will address activity for the preceding months of July through December. The first semi-annual report is due to the Department on October 1, 2018.
4. 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.
5. The semi-annual report will also include the following information:
  - a. Date the student was suspended;
  - b. The race, ethnicity, national origin, and gender of the student suspended;
  - c. Whether the student is recognized as a student with a disability;

- d. The reason why the student was suspended;
  - e. The length of suspension; and
  - f. Dates the student was previously suspended during the academic school year.
6. 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, subject to the 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 Parties acknowledge that the terms of this Agreement are public. The Parties agree to work collaboratively on any press releases and responses to media inquiries concerning this Agreement.
  9. 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.
  10. 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 filed a Charge of Discrimination against the District into racial disparities which may exist within Columbia Heights Public Schools, and the Department has not made a probable cause discrimination finding against the District in violation of the Act.
  11. 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 October 1 report for the 2020-2021 academic school year.
  12. The parties to this Agreement acknowledge that they have read and have gained an understanding of the terms of this Agreement, and that legal counsel has represented them or they had the opportunity to retain legal counsel.
  13. 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.

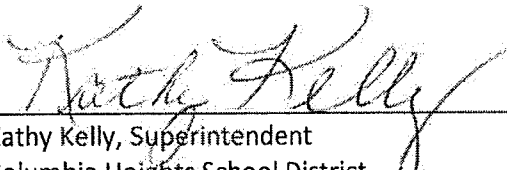
14. Minnesota law will govern the construction and interpretation of this Agreement. No rule of strict construction shall apply against either Party as both Parties equally drafted the Agreement. The Parties agree that any action regarding interpretation or adherence to the terms of Agreement shall be filed in Ramsey County District Court.

15. 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, specifically those DIRS categories stated in Paragraph 1 of this Agreement. Such disclosure requests are subject to state and federal data practices laws.

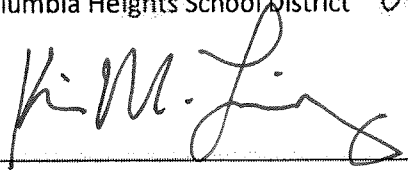
5/22/18  
Date

  
John Larkin, Chair of the Board of Education  
Columbia Heights School District

5/22/18  
Date

  
Kathy Kelly, Superintendent  
Columbia Heights School District

5/31/18  
Date

  
Kevin Lindsey, Commissioner  
Minnesota Department of Human Rights

**Exhibit A**  
**District's plan to address disparities**

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## Columbia Heights Public Schools Strategic Discipline Plan

Goal: To reduce disproportionalities of student suspensions.

<b>Strategy: Revise District Student Behavior Handbook on Rights and Responsibilities</b>		
Intended Outcome	Steps	Metrics
<p>To have a comprehensive, E-12 Student Behavior Rights and Responsibilities Handbook to be used across all Columbia Heights Public Schools.</p>	<ul style="list-style-type: none"> <li>• Form a revision committee</li> <li>• Seek input from stakeholders</li> <li>• Finalize handbook</li> <li>• Present handbook to the school board</li> <li>• Train staff on handbook</li> <li>• Present revised handbook at school parent organization meetings</li> <li>• Distribute Handbook to each family Fall 2018 and upon enrollment</li> <li>• Post handbook to district website</li> </ul>	<ul style="list-style-type: none"> <li>• Committee membership list</li> <li>• Committee attendance and minutes</li> <li>• Attendance from administrative training on handbook</li> <li>• Agenda from school staff meeting presentations on revised handbook, Fall 2018</li> </ul>
<b>Strategy: Establish a District Discipline Assessment Team</b>		
Intended Outcome	Steps	Metrics
<p>To understand and reduce disproportionalities of student suspensions in order to maintain a safe and orderly educational environment.</p>	<ul style="list-style-type: none"> <li>• Establish a District-wide Admin Discipline Assessment Team to work in conjunction with School Leadership Teams</li> <li>• The District-wide Admin Discipline Assessment Team will                             <ul style="list-style-type: none"> <li>○ review and analyze monthly suspension data</li> <li>○ review reports from school Leadership Teams</li> <li>○ engage in PLC discussions around suspension data disaggregated by race, ethnicity and disability</li> <li>○ review DIRS reporting process and discuss subjectivity/objectivity of DIRS categories that lead to suspension</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• District-wide Admin Discipline Assessment Team membership list</li> <li>• School Leadership Teams membership list</li> <li>• PLC meeting attendance and minutes</li> <li>• Monthly suspension data</li> <li>• Semi-annual reports</li> </ul>

	<p>including bullying, cyber bullying, harassment, disruptive/disrespectful behavior, insubordination, threats, intimidation and "other acts".</p> <ul style="list-style-type: none"> <li>o be responsible for the semi-annual reports to MDHR</li> </ul>	
<p><b>Strategy: Explore possibilities of and funding for a District Discipline Supervisor</b></p>		
<p><b>Intended Outcome</b></p>	<p><b>Steps</b></p> <ul style="list-style-type: none"> <li>• Review district budget constraints for Fiscal Year 2019.</li> <li>• Study the future sustainability of the position of Discipline Supervisor.</li> <li>• Explore a possible job description for the position of Discipline Supervisor.</li> <li>• Explore already existing job descriptions within the district in which these responsibilities may be embedded.</li> </ul>	<p><b>Metrics</b></p> <ul style="list-style-type: none"> <li>• Recommendation from Human Resources, Finance and Operations departments</li> </ul>
<p><b>Strategy: Provide and/or Expand Professional Development Opportunities for School Personnel in the Area of Cultural Competency.</b></p>		
<p><b>Intended Outcome</b></p>	<p><b>Steps</b></p> <ul style="list-style-type: none"> <li>• Explore and/or extend collaborative partnerships with MDE and other outside agencies to provide professional development</li> <li>• Provide professional development on Restorative Practices that may include, but are not limited to, age appropriate responses to behavior, de-escalation techniques, trauma-informed practices, equitable learning environment and implicit bias</li> <li>• Provide professional development on the Social Emotional Competencies as prescribed by the MN Department of Education</li> <li>• Provide targeted professional development for</li> </ul>	<p><b>Metrics</b></p> <ul style="list-style-type: none"> <li>• Attendance and participation records</li> <li>• Measure the effectiveness of training consistent with district measures</li> <li>• Measurable outcomes from School professional development plans in conjunction with the district World's Best Workforce Plan</li> </ul>

	remedial measures	
<b>Strategy: Obtain Qualitative Engagement Data and Input from Parents, Students and Teachers on Issues Related to Discipline</b>		
<b>Intended Outcome</b>	<b>Steps</b>	<b>Metrics</b>
To obtain and consider information from stakeholders involving discipline to refine discipline practices.	<ul style="list-style-type: none"> <li>School climate surveys for parents, students and staff</li> <li>Timely communication and input from families regarding discipline</li> <li>Obtain input from district committees and focus groups including, but not limited to, World's Best Workforce, American Indian Parent Advisory Committee, Community Education Advisory Committee, the Special Education Parent Advisory Committee, Responsive Classroom leadership team, Student Assistance Team, Student WEB and Link Crew Leaders</li> <li>Obtain input from Peer Reviewers on targeted remediation</li> </ul>	<ul style="list-style-type: none"> <li>Data from surveys</li> <li>Agenda and minutes from district committee focus groups</li> </ul>

**Roles and Responsibilities**

The Columbia Heights Public Schools Strategic Discipline Plan falls under Columbia Heights Public Schools Board Policy 506 – Student Discipline.

The Roles and Responsibilities excerpted from school district policy 506 are as follows:

- A. The School Board: The school board holds all school personnel responsible for the maintenance of order within the school district and supports all personnel acting within the framework of this discipline policy.
- B. Superintendent: The superintendent shall establish guidelines and directives to carry out this discipline policy, hold all school personnel, students and parents responsible for conforming to the policy, and support all school personnel performing their duties within the framework of the policy.
- C. Principal: The school principal is given the responsibility and authority to formulate building rules and regulations necessary to enforce this policy, subject to final school board approval. The principal shall give direction and support to all school personnel performing their duties within the framework of this policy. The principal shall consult with parents of students conducting themselves in a manner



contrary to the policy. The principal shall also involve other professional employees in the disposition of behavior referrals and shall make use of those agencies appropriate for assisting students and parents.

D. Teachers. All teachers shall be responsible for providing a well-planned teaching/learning environment and shall have primary responsibility for student conduct, with appropriate assistance from the administration. All teachers shall enforce the Code of Student Conduct.

E. Other School District Personnel: All school district personnel shall be responsible for contributing to the atmosphere of mutual respect within the school. Their responsibilities relating to student behavior shall be as authorized and directed by the superintendent.

Note: The School Resource Officers assigned to work in Columbia Heights Public Schools do not and will not participate in suspension decisions.