

Minnesota Department of Human Rights and Global Academy 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 Global Academy (Charter School) provides public education to all school-aged children within its school and is responsible for its budget, curriculum, personnel, and facilities.

On November 6, 2017, the Department and Charter School met to discuss the suspension and expulsion data the School submitted over the past five years to the Discipline Incident Reporting System (DIRS) maintained by the Minnesota Department of Education (MDE). The Department presented public information from DIRS to the Charter School that indicated that the Charter School's rate of suspension of students per 100 students was higher than the statewide average suspension rate of students per 100 students and that the majority of suspensions decisions were for conduct that did not involve fighting, weapons, or illegal drugs. Although the Charter School disputes the Department's analysis of the suspension rate, the Charter School has determined not to expend financial resources to challenge the Department's allegations and instead work toward the following mutual goals.

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

The Department and Charter School 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 Charter School acknowledge that the unnecessary use of exclusionary discipline can have serious, long term, and detrimental effects on student engagement and academic achievement. While a suspension is a last resort, the Department and the Charter School acknowledge that the Department is not requesting a moratorium on the use of out of school suspensions.

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

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

The Department and Charter School 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 Charter School.

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

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

1. The Charter School 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 Charter School 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, administrators, 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 Charter School 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 Charter School 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 Charter School will provide semi-annual reports by August 1 and January 1 each year. The August report will address activity for the preceding months of January through July. The January report will address activity for the preceding months of August through December. The first semi-annual report is due on January 1, 2019.

3. At a minimum, the semi-annual report will include the following information for each strategy the Plan identified:
 - a. The Charter School's intended outcomes for its Plan;
 - b. Specific steps the Charter School took to implement its Plan;
 - c. Metrics the Charter School developed to measure the effectiveness of its Plan; and
 - d. Any changes implemented by the Charter School in light of results in the reporting period.

The semi-annual report will also include summary data, as defined in Minnesota Statutes section 13.02, subdivision 19, containing the following information:

- a. Number of suspensions, exclusions, and expulsions during the reporting period;
 - b. A brief description of the reason for each suspension, exclusion, and expulsion; and
 - c. Disaggregated data showing the breakdown of each disciplinary incident identified in the report by race, ethnicity, national origin, gender, and disability status.
4. The Department, in collaboration with MDE, School Districts, and Charter Schools, will create a Diversion Committee during the 2017-2018 school year. The Charter School will designate a representative or representatives to serve on the Diversion Committee. The Department or a professional facilitator the Department contracts with is responsible for scheduling, coordinating, and identifying a location for the Diversion Committee meetings. The Diversion Committee will meet at least quarterly. Nothing within this section prohibits the Diversion Committee members from meeting more regularly.
 5. 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 for students of color and students with disabilities; 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.
 6. 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.

7. 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 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 Charter School 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.
8. The Charter School agrees that the Department, upon giving reasonable notice to the Charter School to minimize disruption, may conduct an on-site review or request additional information from the Charter School to evaluate effective implementation of the Plan and compliance with the terms of this Agreement.
9. 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.* as well as the rules and regulations associated with these laws. The Department agrees that any personally identifiable educational data received from the Charter School will not be re-released unless ordered by a Court of competent jurisdiction. The Department agrees to maintain any educational data received from the Charter School in a secure manner with restricted internal Department access to such educational data. The Charter School 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.
10. 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.
11. 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.

12. This Agreement is not to be construed as an admission of liability or wrongdoing by or on behalf of the Charter School or any other party with an identified interest in the Charter School. The Department has not made a probable cause discrimination finding against the Charter School in violation of the Act.
13. This Agreement begins on the date that the parties execute it and ends on September 1, 2021.
14. 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 in order to avoid litigation.
15. 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.
16. 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.
17. If the Department believes the Charter School is in material breach of this Agreement, the Department will notify the Charter School in writing and will identify the specific provisions of this Agreement the Department believes the Charter School is in material breach. The Department will request a meeting with the Director to resolve the identified breach. The Department shall only initiate judicial proceedings to enforce this Agreement if the parties reach an impasse. Prior to initiating judicial proceedings, the Parties may choose to engage in alternative dispute resolution efforts including, but not limited to, the selection of a mediator to help the parties resolve the outstanding dispute.
18. Nothing within this Agreement prevents the Department from periodically requesting information from the Charter concerning all of its suspension and expulsion decisions to ensure that the Charter has correctly identified the suspension and expulsion decisions subject to this Agreement.

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9/28/2018

Date



Molly McGraw Healy, Charter School Authorizer
University of St. Thomas

10/1/18

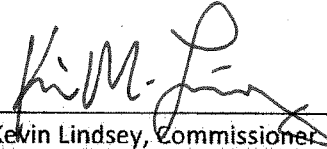
Date



Helen Fisk, Director
Global Academy

10/2/18

Date



Kevin Lindsey, Commissioner
Minnesota Department of Human Rights

Exhibit A
Charter School's plan to address OSS

Global Academy Behavioral Support Philosophy

Global Academy's student behavior management system relies on five key features. Each is explained below.

(1) School Wide Positive Behavior Support (PBIS)

The foundation of Global Academy's behavioral management system is school wide positive behavior support (often referred to as PBIS). PBIS focuses on teaching students clear behavioral expectations and then rewarding students for following those expectations. The approach believes in responding positively to students rather than waiting for students to misbehave and punishing them. All teachers at Global Academy are expected to utilize a positive reward system in their classroom. In addition, Global Academy uses school wide positive rewards for bus behavior, class of the month, and reinforcement of the International Baccalaureate (IB) learner profile and attitudes.

(2) ENVoY Classroom Management

ENVoY is a classroom management system that trains teachers to use nonverbal techniques to manage their classroom. These nonverbal techniques decrease verbal interactions and allow the teacher to deescalate behaviors that might disrupt the classroom. Global Academy teachers are required to be proficient in the key strategies of ENVoY. Global Academy was the first charter school in the nation to become a certified site for ENVoY. Many schools visit Global Academy each year to observe our rigorous implementation of this program. Effective ENVoY implementation results in a calm, focused academic environment at the school.

(3) IB Essential Agreements

Essential agreements, or basic school rules, are an important part of the school's IB program. Each August, the staff reviews and creates essential agreements for all aspects of school life. Currently the school has essential agreements in the following areas of school life: homework, bathroom behavior, hallway behavior, technology use, recess, bus behavior, classroom environment, special events, meal times, library, and field trips. Each homeroom classroom also creates essential agreements, which serve as the basic rules for the classroom. The school's two main essential agreements are "be responsible" and "be respectful."

(4) Teach Like A Champion

Global Academy requires its teachers to use select strategies from Doug Lemov's, *Teach Like a Champion*. Strategies include "no warnings", "100%", "no opt out", "right is right", and "voice."

(5) Social Skills Curriculum

Global Academy uses the scientifically based social skills curriculum called *Second Step* to teach appropriate social behaviors. Students in kindergarten, first grade and second grade have *Second Step* lessons every other day. Students in grades 3-6 have social skills instruction once per week.

Global Academy's formal discipline policy includes a wide array of consequences for students who are not able or willing to meet the school's behavioral expectations. Out of school suspension (OSS) is used as a last resort after other approaches to behavior modification have not been successful. The school believes that OSS is an appropriate response when a student's behavior threatens the physical or emotional well-being of other community members and/or disrupts the learning of other students.

Global Academy has developed the following plan to minimize OSS. The chart below indicates our past suspension rate and target suspension rates through the spring of 2021. The data is drawn from the DIRS Number of Incidents-by Offender Activity report.

OSS	16-17	17-18	18-19	19-20	20-21
Subjective as defined by MDHR	94	TBD	50	45	35
Other	15	TBD	15	15	15
Total	113	TBD	65	60	50

Future targets may be revised after 2017-2018 data is available.

Board Strategies and Action Plans		
Board's Responsibility	Strategy	Action Plan to Implement Strategy
Policies	Schedule review/update of school board policies relevant to discipline/suspensions: 413 Harassment 514 Bullying Prohibition 506 Student Discipline	Review/update relevant policies by January 30 of each year.
District Leadership Oversight	Schedule review of OSS data and decisions	Review OSS data report and improvement metrics by June 30th of each year. Establish School Board

		protocols if targets are not met.
Community Engagement	Establish and maintain process to obtain parent feedback on OSS	Parent board members provide feedback at December board meeting each year
Plan Review and Support	Establish annual review of this plan	Plan reviewed in March of each school year. Budget implications included in March-June budget discussions as necessary.
Reporting to MDHR	MDHR and District will agree on reporting format and content requirements	<p>Proposed Semi-annual Report form is Appendix A of this plan</p> <p>Semi-annual reports will be submitted to MDHR by August 1 and January 1 each year documenting activity for the preceding 6 months.</p> <p>The agreement begins on the date the parties execute it and ends on 9/1/2021.</p>

Building Leadership Strategies and Action Plans		
Leadership Responsibility	Strategy	Action Plan to Implement Strategy
Leadership	The school's director will be the behavior management leader	<p>The director's job description includes this responsibility:</p> <p>The director will guide the development, implementation and</p>

		evaluation of significant policies, initiatives, professional development, instructional practices and budget issues regarding OSS.
Organizational Development	The school's administrative team will review district discipline data and make recommendations for improvements in an effort to reduce OSS	The director will lead the administrative team in this effort The administrative team will produce a written report of its recommendations no later than June 15, 2018. Recommendations will be ready to be implemented for the following school year
Governance Reporting	Provide School Board with information to fulfill their District Leadership Oversight responsibilities	Provide annual student discipline report for the school year ended to the school board at its August meeting.
State Reporting	Schedule the study of the metrics that measure problem improvement	The director will complete semi-annual reports to MDHR for the Board's review and approval.
	Establish new protocols if targets are not met	
Community Engagement	Collaborate with School Board to obtain parent feedback on OSS	Include identified parent concerns as part of annual report
Student Engagement	Use mid-year student engagement survey to gather student data about school climate. Additional	Include student data as part of annual report

	surveys may be given based on survey results and other discipline data.	
OSS information system	Establish and maintain information system needed to make informed OSS decisions	Create data spreadsheets to be operational by fall of 2018
Student Handbook	Establish guidelines for OSS suspensions	Create guidelines by July 1, each year and include in student handbook each year
MDE Collaboration	Collaborate with MDE as needed	Engage MDE for technical assistance when needed
Professional Development	<p>Focus professional development on preparation and capacity building to promote evidence-based methods of fostering positive school engagement.</p> <p>Hold staff accountable for training implementation through the school's staff evaluation procedures</p>	<p>Annual professional development in the following areas: school climate and culture, PBIS, ENVoY nonverbal classroom management system, CPI for special education staff, cultural competency, and other areas if needed.</p> <p>Qualitative and quantitative measurement of training effectiveness through the school's established staff evaluation procedures</p>
Consistent Language and Procedures for Discipline	Staff and students will agree on school-wide behavioral expectations and classroom expectations (called essential agreements).	<p>Develop essential agreements with staff and students annually during the first four weeks of school.</p> <p>Administrative team will</p>

		review OSS data each trimester to study trends and adjust agreements as needed
MTSS (Multi-tiered support system)	Implement of supports and services within the MTSS framework that are aligned with the school's overall vision and mission	Continue current work around the use of student-centered instruction, SEL, PBIS and student wellness umbrella in order to provide a continuum of services

GLOBAL ACADEMY - TIMELINE OF DEADLINES

June 15	Administrative team recommendations created by this date Review of Trimester 3 discipline data completed by this date
June 30	Review of OSS data and analysis of metric goals; establish new protocols if not met
July 1	OSS guidelines developed and ready for Family Handbook
August 1	Semi-annual data report sent to MDHR by this date OSS data information spreadsheets in place
August 30	Semi -Annual discipline report presented to school board by this date
September 15	Annual discipline report sent to MDHR (see Appendix A)
November 30	Review of Trimester 1 discipline data completed by this date
December 30	Board discussion of parent feedback by this date
January 1	Semi-annual data report sent to MDHR
January 30	Semi-annual discipline report presented at the board by this date Board review of pertinent policies completed by this date
March 30	Review of Trimester 2 discipline data completed by this date Plan reviewed for budget for next fiscal year by this date (ongoing through June)
Ongoing	Staff professional development Use of MTSS supports

APPENDIX A
GLOBAL ACADEMY
ANNUAL OUT OF SCHOOL SUSPENSION REPORT

I. Metrics that measure problem improvement

OSS	16-17	17-18	18-19		19-20		20-21	
	Actual	Actual	Target	Actual	Target	Actual	Target	Actual
Subjective as defined by MDHR	94	34	50	TBD	45	TBD	35	TBD
Other	15	15	15	TBD	15	TBD	15	TBD
Total TARGET	113	50	65	TBD	60	TBD	50	TBD

The following appendixes are attached to this report:

- a. A. Number of suspensions, exclusions, and expulsions during the reporting period;
- b. A brief description of the reason for each suspension, exclusion, and expulsion;
- c. and disaggregated data showing the breakdown of each disciplinary incident identified in the report by race, ethnicity, national origin, gender, and disability status

II. Activities Checklist (Check indicates activity completed on time during the six month of this report)

- Administrative team recommendations created by June 15
- Review of Trimester 3 discipline data completed by June 15
- Review of OSS data and analysis of metric goals; establish new protocols if not met by June 30
- OSS guidelines developed for Family Handbook by July 1

- Semi-annual data report sent to MDHR by this date August 1
- OSS data information systems in place by August 1
- Annual discipline report presented to school board by this date August 30
- Review of Trimester 1 discipline data completed by November 30
- Board discussion of parent feedback by December 30
- Semi-annual data report sent to MDHR by January 1
- Board review of pertinent policies completed by this date by January 30
- Review of Trimester 2 discipline data completed by March 30
- Plan reviewed for budget for next fiscal year by March 30

FEEDBACK

Summary of Parent Feedback at December board meeting:

Summary of Student Feedback from student engagement survey(s):

Approved by _____
Global Academy Director

Date _____