

Minnesota Department of Human Rights and Mankato Area Public Schools 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.

Mankato Area Public Schools provide public education to all school aged children within its district and is responsible for the District's budget, curriculum, personnel, and facilities.

On November 13, 2017, the Department and District met to discuss the suspension and expulsion data the District submitted over the past five years to the Discipline Incident Reporting System (DIRS) maintained by the Minnesota Department of Education (MDE). The Department identified disparities in the rate in which District suspended or expelled African-American students, students of color, or students with disabilities when the decision-making involved subjective, discretionary decisions. The Department also identified concerns with the number of suspensions and expulsions the District assigned African-American students, students of color, or students with disabilities relative to their enrollment in the District.

The Department has not made a probable cause discrimination finding against the District in violation of the Act, and 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. However, the Department and District share the following mutual goals and commitments to ensure:

- Learning occurs in safe and supportive environments;
- Every student has an equal opportunity to fully participate in and to succeed in a quality education; and
- The District applies its student discipline policies and procedures in a non-discriminatory manner.
- Work together on behalf of all Minnesota students to ensure their success; and
- Collaborate and use their best efforts to improve student academic achievement by reducing the disparate suspension and expulsion outcomes for students from racial and ethnic minority communities and students with disabilities.

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

The Department and District recognize that there are many strategies that can be implemented with a school environment and that the District should have the ability to select the specific 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 enhanced alignment of government programs and services seeking to assist low income households and eliminate homelessness may have a positive impact on reducing suspension and expulsion decisions within the District.

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

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

1. The District has developed and submitted to the Department a Strategic Plan (Plan), which is attached as Exhibit A to this Agreement. The Plan will identify the role and responsibilities of the Board, Superintendent, Principals and other relevant individuals to ensure discipline is properly implemented. The Plan will focus on conduct that the District would report to MDE in the following DIRS categories: attendance, bullying, cyber bullying, harassment, disruptive/disorderly conduct/insubordination, threat, intimidation and other. The Plan will also include a section outlining the engagement effort of the District to ensure input from students, parents, and teacher on a regular and on-going basis throughout the length of this Agreement.
2. The District will submit semi-annual reports to the Department demonstrating its efforts to comply with the provisions of this Agreement and to implement its Plan. The District will provide semi-annual reports by September 1 of each year, and the second semi-annual report by February 1. The September report will address activity for the preceding months of January through June. The February report will address activity for the preceding months of July through December. The first semi-annual report is due to the Department on September 1, 2018.
3. The semi-annual report will include the following information for each strategy the Plan identified:
 - a. The intended outcomes;
 - b. Specific steps the District took to implement the strategy;
 - c. Metrics the District developed to measure the effectiveness of the strategy; and
 - d. Any changes implemented by the District in light of results in the reporting period.

4. The 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.
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 from racial and ethnic minority communities 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 District on policies, efforts to reduce suspensions, and data analysis; and
 - g. Use its best efforts to secure resources from private foundations, private businesses, and other governmental units, such as MDE, Minnesota Department of Human Services, Minnesota Department of Health, public housing agencies, and counties.
8. The District agrees that the Department, upon giving reasonable notice to the District to minimize disruption, may conduct an on-site review or request additional information from District to evaluate effective implementation of the Plan and compliance with the terms of this Agreement.
9. 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.*

10. 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 District or any other party identified in interest with the District. The Department has not made a probable cause discrimination finding against the District in violation of the Act.
13. This Agreement begins on the date that the parties execute it and the Agreement ends upon the District's submission to the Department of the District's September 1 report for the 2020-2021 academic school year.
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.
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 District is in material breach of this Agreement, the Department will notify the District in writing and will identify the specific provisions of this Agreement the Department believes the District is breaching. The Department will request a meeting with the Superintendent to resolve the outstanding issue. The Department shall only initiate judicial proceedings to enforce this Agreement if the parties reach an impasse after negotiating in good faith for 30 days.
18. Nothing within this Agreement prevents either party from requesting public data from the other.
19. Nothing within this Agreement prevents the Department from periodically requesting information from the District to ensure compliance with this Agreement. Any private, non-public, confidential information concerning a student provided by the school to the Department to determine the school's compliance with this Agreement remains private, non-public, confidential information. The Department respects the rights of students and shall not disclose any information received from the school to any third party unless directed by Court Order.

4/18/18
Date

Sheri L. Allen
Sheri L. Allen, Ed.D, Superintendent
Mankato Area Public Schools School District

4/17/18
Date

Kevin Lindsey
Kevin Lindsey, Commissioner
Minnesota Department of Human Rights

Exhibit A
District's plan to address disparities



Mankato Area Public Schools Strategic Plan-MDHR

TARGETED GOAL:

- A. Reduce the number of suspensions of African-American students, students of color, and students with disabilities relative to their enrollment in the district so that we eliminate the disparity of students of color to white students.
- B. Reduce the number of students suspended for subjective reasons so that all of our student discipline is based on objective data.

ONGOING STRATEGIES BEING IMPLEMENTED:

Strategy Initiation Date	Strategy	Goal Targeted
2018-2021	<ul style="list-style-type: none"> • District Staff Learning Academy Sessions for Racial/Cultural Competence 	A/B
2018-2021	<ul style="list-style-type: none"> • Standardizing re-teaching practices K-12 that align with PBIS through restorative practices 	A/B
2017-2021	<ul style="list-style-type: none"> • Family Academy sessions launched to educate, engage, and inform families about relevant topics that support students and families. 	A
2017-2018	<ul style="list-style-type: none"> • Develop structure and budget, and create Family Engagement Office <ul style="list-style-type: none"> o Coordination with building level leadership to engage parents and community members in our schools and programs 	A
2017-2020	<ul style="list-style-type: none"> • Principals, Administrators, Counselors, Social Workers, and School Psychologists trained in Restorative Practices <ul style="list-style-type: none"> o Planned implementation beginning with our high schools and moving to middle and elementary. 	A/B
2016-2020	<ul style="list-style-type: none"> • Behavior Data reviewed by race, gender, and socio-economic status during MAPS Leadership Institute and in problem solving teams <ul style="list-style-type: none"> o Director of Teaching and Learning, Director of Student Support Services visiting each problem solving team to assist in ongoing norming of process to review behavior data and promote social emotional learning 	A
2016-2019	<ul style="list-style-type: none"> • Student leadership teams formed that represent all student groups in secondary school. The purpose is to involve student voice in the decision making as it relates to the academic and social emotional needs. We will utilize this structure to involve our students in discipline feedback and information. 	A

2016-2019	<ul style="list-style-type: none"> • Student data system will include objective discipline referrals which will be part of the school reports to the Board of Education 	B
2016-2021	<ul style="list-style-type: none"> • School Board will review discipline and academic/social emotional data in work sessions 	A/B
2015-2019	<ul style="list-style-type: none"> Adoption of research-based models that support social-emotional learning for students within our PBIS model <ul style="list-style-type: none"> o Implementing site specific initiatives to support students <ul style="list-style-type: none"> ▪ Well Managed Schools (Boystown) ▪ Leader in Me ▪ Top 20 ▪ 7 Mindsets ▪ Restorative Practices 	B
2015-2019	<ul style="list-style-type: none"> • Review and analyze discipline policies and processes with all District leadership specifically principals and assistant principals. <ul style="list-style-type: none"> o Review subjective discipline reasons and norm responses to be objective based on data. 	A/B
on-going	<ul style="list-style-type: none"> • Continue to research programs and supports for positive alternatives to suspensions 	A/B

MEASURES- Reported semi-annually on September 1 and February 1 to Department of Human Rights

- Number of students suspended by student group
- Number of suspensions for subjective reasons