

**Minnesota Department of Human Rights and
Independent School District No. 152, Moorhead
Agreement**

The Minnesota Department of Human Rights (Department) and Independent School District No. 152 (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.
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. Each report will address activity for the preceding six months. The first semi-annual report is due to the Department on February 1, 2019. The report will include:
 - 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.
3. The report will also include summary data, as defined in Minnesota Statutes section 13.02, subdivision 19, containing the following information:
 - a. The number of suspensions at each school site during the reporting period;
 - b. The race, ethnicity, national origin, and gender of the student suspended;
 - c. Whether the student is recognized as a student with a disability; and
 - d. The reason why the student was suspended.
4. The Department acknowledges that any private educational data that it obtains through a lawfully issued subpoena shall be 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 obtained from the District will not be re-released unless ordered by a Court of competent jurisdiction. The Department agrees to maintain any educational data

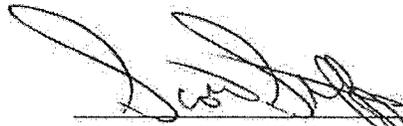
received from the District in a secure manner with restricted internal Department access to such educational data.

5. The Department, in collaboration with MDE, School Districts, and Charter Schools, will create a Diversion Committee during the 2018-2019 school year. The District will designate a representative or representatives to serve on the Diversion Committee.
6. The objective of the Diversion Committee will be to:
 - 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.
7. 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.
8. 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.
9. The Department will not bring a Commissioner's administrative charge for violations of the Act related to the suspension and expulsion decisions made by the District prior to the execution of this Agreement. The Department further agrees that it will forego any enforcement action against the District related to alleged statistical disparities involving student disciplinary actions during the term of this Agreement. This paragraph will not be construed to prohibit the Department from investigating charges of discrimination that are unrelated to the suspension and expulsion decisions made by the District or for any charges the Department receives from third parties.
10. 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.*
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, 2021 report.

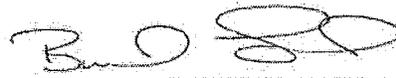
14. The parties to this Agreement acknowledge that they have read and have gained an understanding of the terms of this Agreement, that legal counsel has represented them or they had the opportunity retain legal counsel, and they are voluntarily entering into this Agreement.
15. This Agreement may be 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.

Date: 8/14/2018



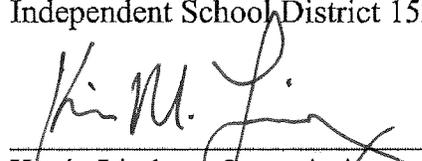
Scott Steffes, Chair of the School Board
Independent School District 152

Date: 8/14/2018



Brandon Lunak, Superintendent
Independent School District 152

Date: 8/15/18



Kevin Lindsey, Commissioner
Minnesota Department of Human Rights

Exhibit A
Strategic Plan

School Board

1. The School Board will review the disciplinary policy and procedures annually at a school board meeting, following review by the District's policy review committee.
2. The student disciplinary policy will comply with Minn. Stat. §§ 121A.40 to 121A.56, the Pupil Fair Dismissal Act.
3. The student disciplinary policy shall be published on the District's website.
4. The School Board is committed to implementing Positive Behavioral Interventions and Supports (PBIS) in all schools by the 2018-2019 school year. Minn. Stat. § 122A.627.

Principals

1. The Principal in each building is responsible to enforce for the District's discipline policy and elements of this Strategic Plan as it pertains to their assigned building.
2. The Principal is responsible for the consistent implementation of Positive Behavioral Interventions and Supports (PBIS) in their assigned building. Minn. Stat. § 122A.627.
3. The Principal will coordinate efforts within the school building to determine whether the implementation of any policies or practices on the building level may lead to disparate outcomes in suspensions. If an analysis demonstrates that the implementation of a policy or practice has or may lead to disparate outcomes for students of color or students with disabilities, the Principal will report the finding to the Central Office Team.
4. The Principal is responsible for implementing a process for the student disciplinary procedures being reviewed at least annually with students. Students transferring to a school mid-year will be provided a copy of the disciplinary procedures, which will be reviewed upon enrollment. The annual review will include, at minimum:
 - a. Discussion of the categories of conduct which may lead to disciplinary action, including suspension.
 - b. Review of the definitions, including disorderly conduct, verbal abuse, harassment, bullying, disorderly conduct, insubordination, and threats.
5. The Principal is responsible for reviewing all disciplinary actions involving the removal of a student from class, including partial days, in school suspension, out

of school suspension or referral for expulsion to ensure consistent application of the District's student discipline policy.

- a. The Principal will ensure that disciplinary data is entered into PBIS tracking system on a monthly basis. The Central Office Team will have access to review disciplinary data.
- b. The Principal will work with the building leadership and/or student assistance team to analyze disciplinary data on a monthly basis. The report will not contain personally identifiable information regarding the students. It will address the conduct, disciplinary action taken, prior discipline, and behavior interventions.
- c. The Principal will notify the Superintendent or the Superintendent's Designee of all out of school suspensions within one school day. Such notifications shall include the factual basis for the suspension, the student's discipline history, prior interventions, and the student's disability status.

Central Office Team

1. The Central Office Team will review the disciplinary reports from each Principal on a monthly basis and discuss and make recommendations to the Principals on the equitable implementation of discipline policies, practices, and procedures.
2. The Central Office Team will:
 - a. Analyze whether students are receiving adequate alternative educational services during suspension, analyze whether students of color are receiving similar alternative educational services as compared to their peers who are not students of color, and analyze whether students with disabilities are receiving similar alternative educational services as compared to their peers who are not students with disabilities that are not otherwise explained by the student's IEP or 504 plan; and
 - b. Analyze whether schools offer or place students in alternative school settings based upon substantially similar circumstances and criteria.
3. The Central Office Team is responsible to review and make recommendations for revision to applicable policies.
4. The Central Office Team consists of the following administrative staff:
 - a. Superintendent
 - b. Assistant Superintendent
 - c. Executive Director of Human Resources & Operations

- d. Executive Director of Learner Support Services
- e. Executive Director of Information Services and Instructional Support

Human Rights Advisory Committee

1. Human Rights Advisory Committee of the Board led by the Executive Director of Human Resources & Operations will review suspensions and expulsions a quarterly basis. The Committee makeup will be determined by Central Office Team and School Board.
2. Human Rights Advisory Committee will make recommendations for changes to policies and procedures to the School Board and Administration based upon the review of the data.

Staff Development and Training

1. Trauma informed
 - a. The district will continue to provide training on trauma for all district staff, which began during the 2017-18 School Year.
 - b. The training will include how to best serve students that have experienced trauma, training to school personnel in interacting with students that have experienced trauma, support and services provided to school personnel who regularly interact with students that have experienced trauma.
2. Bullying
 - a. The district will provide training and review to school personnel on the bullying policy per Minnesota stature and school board policy
 - b. The district will provide consistent feedback to school personnel when deviations occur in the implementation of the school bullying policy.
3. Implicit Bias and Cultural competency
 - a. The district will schedule training for licensed staff on implicit bias, cultural competency, de-escalation techniques, conflict resolution, and age-appropriate responses to behavior in the 2018-2019 school year.
 - b. The district will identify a schedule of training for all non-licensed school district personnel regarding the topics listed above by August 2018, to be completed by the 2019-2020 school year.
 - c. The district will identify in the staff development plan from the Annual Report how to train new staff and review with existing staff on an annual basis.

4. Early identification

- a. The district will provide continued development for school personnel within each school on how to identify students that may be at risk for suspension;
- b. The district will provide training to school personnel on identifying students, and consistency of feedback provided to school personnel when deviations occur in the implementation of the policy; and
- c. The district will communicate practices that are yielding positive results in reducing suspensions throughout the District.

Definitions

All definitions contained herein shall be consistent with the Minnesota Education Code, Minnesota Statutes Chapters 120 – 129 and the School Board's policies.