

## Minnesota Department of Human Rights and Prodeo 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 [*Insert name of Charter School*](Charter School) provides public education to all school-aged children within its school and is responsible for its budget, curriculum, personnel, and facilities.

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.

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, Superintendent, Principals 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 September 1 and February 1 each year. The September report will address activity for the preceding months of February through August. The February report will address activity for the preceding months of September through January. The first semi-annual report is due on September 1, 2018.
3. 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 Charter School took to implement the strategy;
  - c. Metrics the Charter School developed to measure the effectiveness of the strategy; and
  - d. Any changes implemented by the Charter School in light of results in the reporting period.
4. The semi-annual report will also include the following information:
  - a. Date the student was suspended;
  - b. Date the student's parent(s) or guardian(s) were contacted regarding the suspension;
  - c. The race, ethnicity, national origin, and gender of the student suspended;
  - d. Whether the student is recognized as a student with a disability;
  - e. The reason why the student was suspended;
  - f. The length of suspension; and

- g. Dates the student was previously suspended during the academic school year.
5. 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.
6. 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.
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 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.
9. 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.

10. The Parties acknowledge that the release of information concerning this Agreement 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. 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.
12. 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.
13. 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.
14. This Agreement begins on the date that the parties execute it and the Agreement ends upon the Charter School's submission to the Department of its September 1 report for the 2020–2021 academic school year.
15. 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.
16. 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.
17. 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.
18. 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 Superintendent 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.

19. 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.

05/15/18



Date

Milo Cutter, Innovative Quality Schools, Charter  
School Authorizer for Prodeo Academy

5/15/18

Date



Rick Campion, Executive Director  
Prodeo Academy

5/3/2018

Date



Kevin Lindsey, Commissioner  
Minnesota Department of Human Rights

Exhibit A

# Prodeo Academy

## Behavior Management Plan

### Implementation team

- School Principals
- Director of Student Culture

### Stakeholders

All of the following groups will review and give feedback on the plan:

- Leadership Team (Admin and 7 teachers)
- Parent Teacher Committee
- Board of Directors

### Professional development for staff

#### 1. Therapeutic crisis intervention strategies

Purpose - Trauma informed practices that provide skills, knowledge and confidence adults need in order to support a scholar in crisis and teach coping strategies and problem-solving skills.

- Prevent and de-escalate potential crises situation with scholars.
- Safely and therapeutically manage situations.
- Build therapeutic relationships with scholars and help improve their coping strategies and problem-solving skills.
- Create a trauma informed environment.

#### 2. Verbal de-escalation continuum

Purpose - Teach staff common language to use while supporting different levels of behavior.

#### 3. Teaching interaction

Purpose – Give staff a script to teach replacement behavior to scholars.

- 7-step process that guides a discussion to teach replacement behavior and provide rationale.
- Provide awareness of adult facial expression, tone of voice and intent of discussion.

#### 4. Training to address implicit bias

The leadership of St Mary's Graduate School of Education's Culturally Responsive Teaching program will continue to provide training in implicit bias. Through that training, we aim to

- Evaluate beliefs that shape, inform, and guide their perspectives and practices
- Understand and value students' cultural and educational experiences to inform teaching and learning
- Integrate the principles of culturally responsive teaching to create an inclusive, safe learning environment
- Embed the principles of culturally responsive teaching into instructional and assessment plans
- Identify and evaluate rich, relevant resources to support student learning

### **Reactive support**

We created a space to support scholars (Options Room)

### **System Philosophy -**

#### **1. Teaching the life skills of problem solving and self-regulation**

- Quiet space
- Teaching pro-social replacement behaviors replacing negative reactionary behaviors
- Restorative and repair process/removal of shame. Reinforce responsibility and accountability
- Consequences not Punishment
- Decision making and choices - How to make good decisions and choices

#### **2. Changing Adult Mindset**

- Avoidance of contingency traps (inconsistency that relieve negative behavior temporarily yet the negative behaviors are further reinforced.)
- Reinforcers aligned with hypothesized function of scholar behavior.
- Consistency in continuous reinforcement for scholar's acquisition of pro-social behavior.
- Strategies aligned with school and class wide expectations.

### **Keys - for the behavior school wide system**

- Problem solving process
- Education not punishment
- Growth mindset for adults
- Accountability

### **Research and Combine strategies from**

- \*\*Love and Logic - Golden Colorado
- \*\*Girls and Boys Town - Omaha, Nebraska
- \*\*Dr. Randall Sprick Behavior Strategies - University of Oregon
- \*\*Behavior and Academic Strategies, Making Sound Decision through Data -  
Dr. Stan Deno & Dr. Phyllis Merkin - University of Minnesota

### **History - Implementation**

#### Highly successful Programs

- a. Level 4 - Pine County Cooperative County Program
- b. Level 4 - Chisago Lakes Day treatment program
- c. Milacs Band of Ojibwa - Na Ah Shing School
- d. Bahwetin School- Sault St. Marie, MI

### **Suspension process**

1. Dean of students collect all information (Write ups, talk to scholars and adults who witnessed incident and scholars involved)
2. Present information to Dean of Culture
3. Dean of Culture reviews information and debriefs with Principal
4. Decision is made after reviewing information and checking behavior policy

### **Proactive support**

#### **School to family communication**

Purpose – Create a partnership between school and family to support the scholar’s school experience.

- Inform families of positive days scholars are having (classroom dojo, phone calls and text).
- Inform families of small behaviors to prevent escalation of behavior. (document sent home, phone call and text).
- Will continue to survey families annually hearing what parent’s think about the behavior plan and asking for their input.

#### **Mindfulness**

Purpose – Teach scholars coping strategies and self- awareness

- Mindfulness teacher meets with each class once a week to teach mindfulness lesson.

### **PBIS schoolwide system**

Purpose- Schoolwide systems of support that include proactive strategies for defining, teaching, and supporting appropriate student behaviors to create positive school environments.

- Promote proactive behavior support.
  - Teach behavioral expectations and rewards scholars.
1. Classroom dojo
  2. Spirit stick
  3. Spirit tie
  4. Kindness scholar

### **Family school network**

Purpose- Teach families about educational terms, their influence on scholars and the school experience at Prodeo for their scholar/s. Align families with school expectations and philosophy.

- Teach about Prodeo philosophy about the wholistic school experience and the importance of creating a partnership with school.
- Engage families in discussion of the importance of being a positive role model.
- Engage families in discussions about ways to feel connected to their child's school experience.
- Engage families in discussions about behavior policy.

### **Information tracking**

Prodeo Academy has signed a contract with PowerSchool, a leading Student Information System with the capacity for robust student data management. Implementation is set to begin in April 2018. PowerSchool has an Incident Management tool which allows us to record entries for school and district-related discipline incidents. We will also have the ability to create incident types, codes, and sub-codes at the district level, allowing for greater specificity in tracking.

### **Goals**

- Regularly review data to identify root causes to student behavior and implicit bias among staff
- Decrease number of send-outs across the school
- Decrease the percent of students that are being suspended