

**Minnesota Department of Human Rights and Independent School District No. 38,
Red Lake, Minnesota
Collaboration Agreement**

The Minnesota Department of Human Rights (the Department) is the agency of the State of Minnesota responsible for enforcing the Minnesota Human Rights Act.

Independent School District No. 38, Red Lake (the District) provides public education to school-aged children within its district.

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 Department and District 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 District applies its student discipline policies and procedures in a non-discriminatory manner.

The Department and District have a strong a commitment to:

- Work together on behalf of the District's students to ensure their success; and
- Collaborate and use their best efforts to improve student academic achievement by reducing suspension and expulsion for students and address any disparity for students of color 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 acknowledge that teachers and students deserve school environments that are safe, supportive and conducive to teaching and learning.

The Department and District recognize that there are many strategies that can be implemented within 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 are 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 behaviors that could result in suspension and expulsion.

The Department and District recognize that the Department will affirmatively seek 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. On or before September 15, 2018, the District will develop and submit a final Strategic Discipline Plan (Plan) to the Department. An initial draft of the Plan is attached as Exhibit A to this Agreement. The parties shall use their best efforts to resolve any outstanding issues with the final Plan within 15 days of its submission to the Department. When agreed to by both parties, the final Plan shall be incorporated into this Agreement as Exhibit B. At a minimum, the Plan will identify or address the following:
 - a. The role and responsibilities of the Board, Superintendent, Principals, and other relevant individuals to ensure discipline is properly implemented as identified within the Plan;
 - b. The tracking system the District uses to track office referrals, partial day dismissals, in-school and out-of-school suspensions, expulsions, and exclusions at each school site and how and when the District will analyze this data;
 - c. Applicable policies and procedures and the process for policy revisions, including how the District will engage its students, parents, and teachers in the policy revisions;
 - d. School Resource Officers are not involved in recommending or determining student discipline or in investigating incidents of student discipline that do not involve a crime;
 - e. A comprehensive training and professional development plan for teachers and administrators on the District's selected educational strategies and best practices that are designed to address student behavioral issues in the classroom; and
 - f. The District's engagement efforts to ensure input from students, parents, and teachers so the District can obtain qualitative data 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. At a minimum, the semi-annual report will include the following information for each strategy identified in the Plan:
 - a. The intended outcome;
 - b. Specific steps for the District 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 semi-annual report will also include the following information:
 - a. The date the student was suspended or expelled;
 - b. The race, ethnicity, national origin and gender of the student suspended/expelled;
 - c. Whether the student is a student with a disability;
 - d. The reason(s) for the student's suspension or expulsion;
 - e. The length of the suspension or expulsion; and
 - f. Dates the student was previously suspended or expelled during the academic school year.

 5. 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 District acknowledges the Department's position that it may seek educational data under Minn. Stat. § 363A.06, Subd. 1(a)(9) pursuant to a lawfully issued subpoena and the Department acknowledges the School District's notification obligations to parents and/or students and that Students or Parents have a right to challenge the release of educational data pursuant to a subpoena or court order. The Department agrees that any personally identifiable educational data received from the District pursuant to a subpoena 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 pursuant to a subpoena in a secure manner with restricted internal Department access to such educational data.

 6. The Department, in collaboration with the Minnesota Department of Education ("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.

 7. The purpose of the Diversion Committee is to review and analyze aggregate suspension data of school districts and charter schools and to develop and create best practices for reducing suspension and expulsion rates for students of color and students with disabilities.

 8. The Diversion Committee may consider creating subcommittees as necessary to meet its purpose, which could include the following:
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- a. DIRS – Create greater clarity for schools on the conduct schools should report to MDE;
 - b. Strategies– Best practices for understanding, teaching, evaluating, and monitoring implementation of 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.
9. 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 rates for students of color 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.
10. The Parties agree that the Parties may make public: (a) the terms of this Collaboration Agreement and (b) the information classified as public data under the Minnesota Government Data Practices Act. The Parties agree to provide each other drafts of any intended press releases or responses to media inquiries related to this Collaborative Agreement, and the Parties will attempt to work collaboratively on the content.
11. If a Court of competent jurisdiction, for any reason, holds any part of this Collaboration Agreement invalid, unlawful or otherwise unenforceable, such decision shall not affect the validity of any other part of the Collaboration Agreement.
12. The Parties have mutually agreed to enter into this Collaboration Agreement to work together on a nation-wide and state-wide issue. This Collaboration Agreement is not an indication or an admission of any liability or wrongdoing by or on behalf of either Party. The Department has not made a probable cause discrimination finding against the District and has not found a violation of the Minnesota Human Rights Act.
13. This Collaboration Agreement begins on the date that the Parties execute it and ends on September 1, 2021.

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

15. This Collaboration 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 Collaboration Agreement to be signed on the dates opposite their signatures.

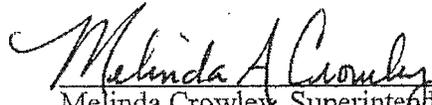
16. Minnesota law will govern the construction and interpretation of this Collaboration Agreement. No rule of strict construction shall apply against either Party as both Parties equally drafted the Collaboration Agreement. The Parties agree that any action regarding interpretation or adherence to the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

17. If either Party believes that the other is in material breach of this Collaboration Agreement, that Party will notify the other in writing and will identify the specific provisions of this Collaboration Agreement the Party believes has been breached. The Party will request a meeting with the other to resolve the outstanding issue. A Party may initiate judicial proceedings to enforce this Collaboration Agreement only if the Parties reach an impasse after negotiating in good faith for 30 days.

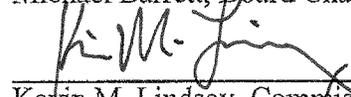
6/29/18
Date

6/29/18
Date

7/24/18
Date


Melinda Crowley, Superintendent


Michael Barrett, Board Chair


Kevin M. Lindsey, Commissioner
Minnesota Department of Human
Rights

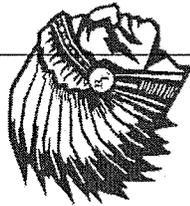


Exhibit A

Red Lake Public School District ISD#38 Strategic Discipline Draft Plan

Goal: To reduce student suspensions and expulsions and increase knowledge and understanding of implementation of

Strategy: Revise/Replace Code of Conduct

Intended Outcome	Steps	Metrics/Target Date for Completion
<p>Revise or replace the current code of conduct with a document that:</p> <ol style="list-style-type: none"> 1) Provides balance between prescribed consequences and situationally/contextually informed administrative judgement, 2) Is reflective of traditional Ojibwe teachings and includes Ojibwemowin language and culture, 3) Incorporates restorative practices and other positive behavior interventions and supports 	<ul style="list-style-type: none"> • Schedule time for key stakeholders to provide input regarding code of consequences <ul style="list-style-type: none"> ○ Community/parents ○ Cabinet/Leadership Teams ○ Administrators ○ Teachers/Staff ○ Students • Synthesize input from key stakeholders and develop draft code of conduct • Review with stakeholder groups for recommendations for revision • Revise draft code of conduct • Review final draft with administrators and leadership teams • Provide to school board for review and approval • Implement new code of conduct across the district 	<ul style="list-style-type: none"> • Stakeholder meeting notes regarding code of conduct (December 2018) • Draft code of conduct (February 2019) • Final draft code of conduct (April 2019) • Adopted code of conduct (May 2019) • Implemented code of conduct (19-20 School Year)

Strategy: Revise Building Level Student Handbooks

Intended Outcome	Steps	Metrics / Target Date for Completion
Develop a districtwide student handbook that reflects the district's focus on high quality education for all students in a safe and secure environment by outlining the rights and responsibilities of students PK-12+	<ul style="list-style-type: none"> Schedule times for building administrators to discuss and integrate individual student handbooks into a single districtwide student handbook Ensure focus on quality education in safe and secure environment within the handbook Provide new districtwide handbook to school board for review and approval Disseminate and utilize new handbook across the district 	<ul style="list-style-type: none"> Draft districtwide handbook (February 2019) Final draft districtwide handbook (April 2019) Adopted handbook (May 2019) Disseminated and implemented handbook (19-20 School Year)

Strategy: Hold Bi-Monthly Principals and Deans Meetings

Intended Outcome	Steps	Metrics / Target Date for Completion
Increase communication, collaboration, and consistency in the application of discipline practices across the district through the creation of shared foundational knowledge, development of a common language, and implementation of research/evidence-based equitable practices with emphasis on incorporation of Ojibwemowin cultural teachings	<ul style="list-style-type: none"> Schedule and hold separate bi-monthly meetings with deans and with building principals Inform the work toward a new code of conduct and districtwide student handbook 	<ul style="list-style-type: none"> Meeting minutes (throughout 18-19 school year) Information from bi-monthly meetings included in final draft of code of conduct and districtwide handbook (April 2019)

Strategy: Continuation and further implementation of Restorative Practices

Intended Outcome	Steps	Metrics / Target Date for Completion
Make progress at each building in the implementation of restorative practices.	<ul style="list-style-type: none"> Early Childhood Center <ul style="list-style-type: none"> Incorporate restorative practices into schoolwide 	<ul style="list-style-type: none"> Early Childhood Center <ul style="list-style-type: none"> Descriptions of restorative practices incorporated into

	<p>behavior program and into calm room protocols</p> <ul style="list-style-type: none"> • RLES <ul style="list-style-type: none"> ○ Incorporate restorative practices via Dean of Students, redirection room staff, and tiered social-emotional support staff • Ponemah <ul style="list-style-type: none"> ○ Add restorative circles into daily/weekly routine at the middle-school grade levels • RLMS <ul style="list-style-type: none"> ○ Add restorative practices via Dean of Students and redirection room staff • RLHS <ul style="list-style-type: none"> ○ Add restorative practices via Dean of Students and redirection room staff 	<p>schoolwide behavior program (September 2018)</p> <ul style="list-style-type: none"> ○ Calm room protocols developed and implemented (September 2018) • RLES <ul style="list-style-type: none"> ○
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Strategy: Development of Social Emotional & Behavioral Learning curriculum and plans that incorporate Ojibwemowin		
Intended Outcome	Steps	Metrics
<p>Development and implementation of multi-tiered social-emotional systems of support for students K-5</p>	<ul style="list-style-type: none"> • Develop framework for SEL MTSS at Early Childhood Center and RLES • Hire staff and provide resources necessary to implement SEL MTSS at ECC and RLES • Implement SEL MTSS • Routinely review SEL MTSS implementation using Plan-Do-Study-Act cycle 	<ul style="list-style-type: none"> • Outline of SEL MTSS Framework for each site (August 2018) • Staff, resources, and training provided (September 2018) • SEL MTSS Implementation (18-19 school year) • SEL MTSS Review (18-19 & 19-20 school year)

Strategy: Intended Outcome	Steps <ul style="list-style-type: none"> • • 	Metrics <ul style="list-style-type: none"> • •
Strategy: Intended Outcome	Steps <ul style="list-style-type: none"> • • 	Metrics <ul style="list-style-type: none"> • •
Strategy: Intended Outcome	Steps <ul style="list-style-type: none"> • • 	Metrics <ul style="list-style-type: none"> • •

Roles and Responsibilities:

The Red Lake Public Schools Strategic Discipline Plan falls under Board Policy #506 Student Discipline.

- 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 policy, hold all school personnel, students, and parents responsible for conforming to this policy, and support all school personnel performing their duties within the framework of this policy. The superintendent shall also establish guidelines and directives for using the services of appropriate agencies for assisting students and parents. Any guidelines or directives established to implement this policy shall be submitted to the school board for approval and shall be attached as an addendum to this 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. A principal, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

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. In exercising the teacher's lawful authority, a teacher may use reasonable force when it is necessary under the circumstances to correct or restrain a student or prevent bodily harm or death to another.

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. A school employee, school bus driver, or other agent of a school district, in exercising his or her lawful authority, may use reasonable force when it is necessary under the circumstances to restrain a student or prevent bodily harm or death to another.

F. Parents or Legal Guardians. Parents and guardians shall be held responsible for the behavior of their children as determined by law and community practice. They are expected to cooperate with school authorities and to participate regarding the behavior of their children.

G. Students. All students shall be held individually responsible for their behavior and for knowing and obeying the Code of Student Conduct and this policy.

H. Community Members. Members of the community are expected to contribute to the establishment of an atmosphere in which rights and duties are effectively acknowledged and fulfilled.