

**Minnesota Department of Human Rights and Robbinsdale Area 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.

Independent School District 281 (District) provides public education to all school aged children within its district and is responsible for its budget, curriculum, personnel, and facilities.

On November 1, 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 noted that the District's [rate of suspension of students per 100 students was appreciably higher than the statewide average rate of suspension of students per 100 students] [a significant percentage of suspension decisions made by the School were based on subjective considerations] [was suspending students with disabilities at a higher rate relative to their enrollment than students without disabilities] [was suspending African-American students at a higher rate relative to their enrollment than Caucasian students] [was suspending Asian-American students at a higher rate relative to their enrollment than Caucasian students][was suspending Native-American students at a higher rate relative to their enrollment than Caucasian students] [was suspending students of color at a higher rate relative to their enrollment than Caucasian students].

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 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 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 recognize that there are many corrective action strategies that can be implemented with a school environment and that the District should have the ability to select the specific corrective action 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:

#### **Minnesota Department of Human Rights**

1. The Department will:
  - a. Coordinate external stakeholders to drive at community based solutions;
  - b. In collaboration with MDE and private foundations, 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 and barriers for families and students;
  - d. Provide technical assistance on civic engagement; and
  - e. Provide feedback to District on policies, efforts to reduce suspensions, and data analysis.
2. The Department will use its best efforts to secure resources for the District from:
  - a. Private foundations;
  - b. Private businesses; and
  - c. Other governmental units, such as the Minnesota Department of Education (MDE), Minnesota Department of Human Services, Minnesota Department of Health, public housing agencies, and counties.

### Diversion Committee

3. 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(s) to serve on the Diversion Committee.
4. The Diversion Committee will:
  - a. Review and analyze aggregated suspension data;
  - b. Review and analyze District's suspension practices;
  - c. Advance legislative proposals that will have a positive impact on reducing suspensions and expulsions of students of color and students with disabilities; and
  - d. Develop and create best practices for the issues identified within this Agreement.
5. The Diversion Committee will be comprised of the following subcommittees:
  - a. DIRS – Create greater clarity for Districts on the conduct schools report to MDE;
  - b. Corrective Action Strategies – Best practices for understanding, teaching, evaluating, and monitoring the District's corrective action strategies;
  - c. Implicit Bias – Best practices for understanding, teaching, evaluating, and implementation of implicit bias education; and
  - d. Engagement – Best practices for ensuring student, teacher, and community involvement that leads to qualitative assessment.

### School Board

6. The School Board shall:
  - a. Provide sufficient oversight and leadership of District's suspension and expulsion decisions;
  - b. Provide opportunities on its meeting agenda, at least twice a year, for parents and students to provide feedback and input concerning the District's discipline policy and the implementation of the policy by school personnel; and
  - c. Offer meaningful opportunities for parents, students, and school personnel to provide feedback and input concerning the District's discipline and policy at the school building level.
7. The School Board reaffirms its commitment to provide the Superintendent and school personnel with adequate resources, support, and training to implement the District's discipline policy and corrective action strategies with fidelity.

### Superintendent

8. The Superintendent shall:
  - a. Provide sufficient oversight and leadership of District's suspension and expulsion decisions;
  - b. Offer meaningful opportunities for parents, students, and school personnel to provide feedback and input concerning the District's discipline policy and school personnel's implementation of such policy;

- c. Take all necessary steps to ensure the District maintains all relevant documents during this Agreement and does not destroy identified documents pursuant to the District's document retention policy. Relevant documents include, but are not limited to, the documents identified within this Agreement, DIRS data submitted to MDE, relied upon by the District to conduct an analysis of policies and practices identified within this Agreement, or created by the District to fulfill an obligation or provide a recommendation as indicated within this Agreement; and
- d. Submit all information and required reports under this Agreement to the Department by the identified dates. The Superintendent may delegate this responsibility to the Discipline Supervisor.

#### Discipline Supervisor

9. Before March 15, 2018, the District will identify an employee to serve as the District's Discipline Supervisor. The District will publish the Discipline Supervisor's name, title, office address, email address, and telephone number on its website and within its Student Behavior Handbook.
10. The Discipline Supervisor shall:
  - a. Review data and disciplinary records from each site;
  - b. Identify areas of concerns and report to the Superintendent and Cabinet, Leadership team, or Executive Committee;
  - c. Provide corrective recommendations to the Superintendent;
  - d. Act as the District's point person for parents and students regarding discipline;
  - e. Consult with Dr. Muhammad Khalifah to identify, implement, and improve research-based strategies to ensure school personnel apply discipline appropriately and equitably to all students regardless of race or disability status.
  - f. Share the findings of Dr. Kalifah with the Superintendent and Cabinet, Leadership team or Executive Committee and the District's School Board;
  - g. Ensure school personnel receive training on implicit bias, cultural competency, de-escalation techniques, conflict resolution, and age-appropriate responses to behavior, to ensure successful implementation of the District's corrective action strategies;
  - h. Track school personnel's attendance at trainings identified in the preceding paragraph;
  - i. Communicate the metrics that the District uses to measure the effectiveness of the training to all Principals;
  - j. Review training records and effectiveness of training measures to make corrective recommendations to the Principals and the Superintendent and Cabinet, Leadership team or Executive Committee;
  - k. Coordinate efforts within the District to analyze policies and practices, which may lead to disparate outcomes in suspensions. If an analysis demonstrates disparate outcomes for students of color or students with disabilities, the District shall address the disparity by taking prompt corrective measures. The District will analyze the following policies and practices:
    - (1) Removal of students from class – Consistent application by school personnel within each school for removing students from class, training provided to school personnel on when to remove students from class, and consistency of feedback provided to school personnel when deviations occur in the implementation of policy;
    - (2) Involvement of parents – Consistent application by school personnel within each school of when to involve parents in attempts to improve a student's behavior, training provided to

- school personnel on when and how best to involve parents, and consistency of feedback provided to school personnel when deviations occur in the implementation of policy;
- (3) Early identification – Consistent application by school personnel within each school on how to identify students that may be at risk for suspension, training provided to school personnel on identifying students, and consistency of feedback provided to school personnel when deviations occur in the implementation of the policy;
  - (4) Trauma informed – Consistent application by school personnel within each school on how to best serve students that have experienced trauma, training provided 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, and consistency of feedback to school personnel when deviations occur in the implementation of the policy;
  - (5) Scheduling – Examination of scheduling pattern within each school that may minimize interactions that could result in a suspension or removal from class, such as changing the time of passing period between classes, changing lunch periods, or alternating bus routes;
  - (6) School Bullying – Consistent application by school personnel on the school bullying policy, training provided to school personnel on the school bullying policy, and consistency of feedback provided to school personnel when deviations occur in the implementation of the school's bullying policy;
  - (7) Alternative Educational Services – 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;
  - (8) Alternative Placement – Analyze whether schools place students of color in alternative school settings at a disparate rate as compared to their Caucasian peers; and
  - (9) Student Engagement Survey – Assess the effectiveness of District strategies that seek to increase engagement of students of color and students with disabilities in school activities. Identify and implement strategies that will increase engagement of students of color and students with disabilities in school activities, and
    - l. Communicate practices that are yielding positive results in reducing suspension disparities throughout the District,
    - m. Analyze the intersection of race and disability status by assessing whether the District suspends students with disabilities who are also students of color at disproportionately higher rates than students with disabilities who are not students of color.
11. The Discipline Supervisor shall develop and forward to the Superintendent, a semi-annual report that identifies the successful implementation of corrective action strategies, including training, for each school building. If a school building is not successfully implementing corrective action strategies, the Discipline Supervisor shall identify what remedial action the school should take before the next semi-annual report. The report should identify specific action the school building will take and should include deadlines for accomplishment. In assessing successful implementation of corrective action strategies within each school building, the Discipline Supervisor shall consider whether school personnel:
- a. Established, defined, taught, and practiced three to five positively stated schoolwide behavioral expectations that are representative of the local community and cultures;

- b. Developed and implemented a consistent system to be used by all staff to provide positive feedback and acknowledgment for students who display schoolwide behavioral expectations;
- c. Developed and implemented a consistent and specialized support system for students who do not display behaviors consistent with schoolwide positive expectations;
- d. Developed a system to support decisions based on data related to student progress, effective implementation of behavioral practices, and screening for students requiring additional behavior supports;
- e. Used a continuum of evidence-based interventions that are integrated and aligned to support academic and behavioral success for all students; and
- f. Used a team-based approach to support effective implementation, monitoring progress, and evaluating of outcomes.

Minn. Stat. § 122A.627: The District may consider additional measures to assess successful implementation of corrective action strategies.

12. During the spring semester of the 2017–2018 school year, the Discipline Supervisor shall take steps to ensure that there is consistency among each school within the District concerning:
- a. The language, terms, and definitions school personnel use to determine when students engage in identified removal behavior;
  - b. When school personnel may remove a student from class;
  - c. When school personnel may suspend a student for engaging in identified removal behavior; and
  - d. The length of time school personnel may suspend a student for engaging in identified removal behavior.

#### Principals

13. The Principal(s) of each school within the District shall ensure that the District's discipline policy and the identified corrective action strategies for their assigned school are faithfully implemented by school personnel.
14. To ensure corrective action strategies are faithfully implemented within the school, Principal(s) will ensure school personnel:
- a. Establish, define, teach, and practice three to five positively stated schoolwide behavioral expectations that are representative of the local community and cultures;
  - b. Develop and implement a consistent system to be used by all staff to provide positive feedback and acknowledgment for students who display schoolwide behavioral expectations;
  - c. Develop and implement a consistent and specialized support system for students who do not display behaviors consistent with schoolwide positive expectations;
  - d. Develop a system to support decisions based on data related to student progress, effective implementation of behavioral practices, and screening for students requiring additional behavior supports;
  - e. Use a continuum of evidence-based interventions that are integrated and aligned to support academic and behavioral success for all students; and

- f. Use a team – based approach to support effective implementation, monitoring progress, and evaluating of outcomes.

Minn. Stat. § 122A.627. Ensure school personnel implement any additional measures identified by the District for the successful implementation of corrective action strategies. Principal(s) will take affirmative steps to ensure that the above corrective action strategies are accurate and provided on a timely basis when requested by the Discipline Supervisor. All concerns related to the accuracy of information concerning corrective action strategies comes to the attention of the Principal(s) shall be communicated to the Discipline Supervisor.

15. The Principal(s) will:

- a. Ensure school personnel receive training on implicit bias, cultural competency, de-escalation techniques, conflict resolution, and age-appropriate responses to behavior, to ensure implementation of the District's corrective action strategies;
- b. Measure the effectiveness of all training identified above consistent with District metrics;
- c. Submit school personnel training documentation and documentation showing the effectiveness of the training to the Discipline Supervisor.
- d. Recommend to the Discipline Supervisor remedial action schools need take.
- e. Coordinate efforts within the school to analyze policies and practices, which may lead to disparate outcomes in suspensions. If an analysis demonstrates disparate outcomes for students of color or students with disabilities, the Principal(s) shall address the disparity by taking prompt remedial measures. The Principal(s) will analyze the following policies and practices within the school:

- (1) Removal of students from class - Consistent application by school personnel within each school for removing students from class, training provided to school personnel on when to remove students from class, and consistency of feedback provided to school personnel when deviations occur in the implementation of policy;
- (2) Involvement of parents – Consistent application by school personnel within each school of when to involve parents in efforts to improve a student's behavior, training provided to school personnel on when and how best to involve parents, and consistency of feedback provided to school personnel when deviations occur in the implementation of policy;
- (3) Early identification – Consistent application by school personnel within each school on how to identify students that may be at risk for suspension, training provided to school personnel on identifying students, and consistency of feedback provided to school personnel when deviations occur in the implementation of the policy;
- (4) Trauma informed – Consistent application by school personnel within each school on how to best serve students that have experienced trauma, training provided 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, and consistency of feedback to school personnel when deviations occur in the implementation of the policy;
- (5) Scheduling – Examination of scheduling pattern within each school that may minimize interactions that could result in a suspension or removal from class such as changing the time of passing period between classes, changing lunch periods, or alternating bus routes;

- (6) School Bullying – Consistent application by school personnel on the school bullying policy, training provided to school personnel on the school bullying policy, and consistency of feedback provided to school personnel when deviations occur in the implementation of the school’s bullying policy;
  - (7) Alternative Educational Services – 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;
  - (8) Alternative Placement – Analyze whether students of color are being placed in alternative school settings at a disparate rate as compared peers who are not students of color; and
  - (9) Student Engagement Survey – Assess the effectiveness of District strategies that seek to increase engagement of students of color and students with disabilities in school activities. Identify and implement strategies that will increase engagement of students of color and students with disabilities in school activities.
- f. The Principals and school personnel will analyze whether suspensions for students with disabilities who are also students of color at disproportionately higher rates than students with disabilities who are not students of color.
16. During the Spring semester of the 2017–2018 school year, Principal(s) shall ensure that there is consistency within their assigned school concerning:
- a. The language, terms, and definitions used by school personnel to determine when students engage in identified removal behavior;
  - b. When a student may be suspended or expelled for engaging in identified removal behavior;
  - c. When school personnel may remove a student from class; and
  - d. The length of time a student may be suspended or expelled for engaging in identified removal behavior.
17. Principal(s) shall collaborate with school personnel to develop a process by which school personnel review and analyze suspension decisions on a weekly basis. Principal(s) shall identify the school personnel that will be responsible for reviewing and analyzing suspension decisions.
18. The Principals shall collaborate with the Superintendent or Discipline Supervisor to ensure the Department receives all information and required reports under this Agreement.

#### **Discipline Assessment Team**

19. The District shall establish a school discipline assessment team within each building, which shall meet at least every month. The District will instruct each school discipline assessment team to discuss and make recommendations to the Principal on the equitable implementation of discipline policies, practices, and procedures. The school discipline assessment team shall also identify steps the District can take to improve student behavior, improve student engagement in school activities, and promote a safe and orderly educational environment.

20. The school discipline assessment team will:

- a. Designate an employee to coordinate the work of the team and its meetings;
- b. Consider school personnel input as the school moves toward full implementation of corrective active strategies which may include advising, facilitating or conducting teacher engagement surveys;
- c. Consider student input as the school moves toward full implementation of corrective action strategies;
- d. Provide input to school personnel, in collaboration with the Principal, on strategies to:
  - (1) Improve student behavior;
  - (2) Address student behavior by means other than disciplinary action through practices such as de-escalation and restorative justice;
  - (3) Ensure that referrals for discipline are not related to race or disability; and
  - (4) Ensure that discipline actions are effective in addressing student behavior and are not punitive.
- e. Provide best practices to:
  - (1) Prevent school bullying;
  - (2) Address implicit bias in the classroom;
  - (3) Develop cultural competency; and
  - (4) Interact with students experiencing trauma,
- f. Provide input to Principal(s) and school personnel to:
  - (1) Ensure school personnel are aware and have access to available resources to assist them in being successful in the classroom;
  - (2) Identify new practices to more effectively implement identified strategies;
  - (3) Raise awareness of challenges school personnel face when implementing identified strategies; and
  - (4) Identify policy and scheduling changes, including but not limited to, those that may minimize interactions that could result in a suspension such as changing the time of passing period between classes, changing lunch periods, and alternating bus routes.

21. The school discipline assessment team shall collaborate with the Principal(s) to ensure the Department receives all information and required reports under this Agreement.

#### Develop Baseline

22. On or before May 1, 2018, the District will identify and provide to the Department:

- a. Specific language within District's discipline policy that would result in the District reporting a suspension to MDE in the following DIRS categories: Attendance, Bullying, Cyber-Bullying, Disruptive/Disorderly Conduct/Insubordination, Harassment, Other, Threat/Intimidation, and Verbal Abuse. If language within the District's discipline policy could result in school officials designating the suspension in multiple categories, the District shall separately identify each DIRS category;
- b. All information District provided to its School Board that allowed the School Board to provide oversight of suspension decisions for the 2015-2016 school year to the present;
- c. Specific actions, if any, the School Board has taken in response to the information provided to the School Board identified in the preceding paragraph;

- d. All information the Superintendent reviewed in order to provide oversight of the District's suspension decisions for the 2015–2016 school year to the present;
  - e. Specific actions, if any, the Superintendent has taken from the 2015–2016 school year to the present in response to the information identified in the preceding paragraph;
  - f. Information technology database(s) or system(s) (IT) that the District uses or will use to meet the data collection, reporting, and evaluation obligations of this Agreement. The Superintendent will ensure that the District's IT capabilities are capable of providing all necessary information this Agreement requires District to submit to the Department; and
  - g. Each school with the District and the specific preventative or corrective actions strategies each school uses and how the District evaluates the identified strategies.
23. On or before April 1, 2018, the District shall submit to the Department, a revised Student Behavior Handbook for the Department's approval. The Student Behavior Handbook shall provide the following information:
- a. Detailed explanations of the District's disciplinary policies, hypotheticals to illustrate what behavior is unacceptable, the definitions of offense categories, the specific manner in which progressive disciplinary consequences will be used, if applicable, and the circumstances under which deviations from policies may be justified;
  - b. Contact information of school personnel that parents and students can contact to direct questions and concerns about the disciplinary policy, its implementation, and student's rights to due process, and ability to appeal the suspension decision;
  - c. Contact information of school personnel that parents can contact to direct questions and concerns about how to proactively address student behavioral problems;
  - d. Emphasize the District's commitment to using the policies referenced in this Agreement to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions; and
  - e. Emphasize the District's commitment to recognizing and reinforcing positive student behavior and ensuring to the maximum extent appropriate that misbehavior is addressed in a manner that does not require removal from the classroom or educational program.
24. The Department shall not unreasonably withhold approval of the District's Student Behavior Handbook. The Department shall propose changes to the District's Student Behavior Handbook within 60 days of receipt. The Parties will use their best efforts to resolve any issues the Department identifies with the District's Student Behavior Handbook.
25. Any subsequent changes to the District's Student Behavior Handbook shall be identified by the District in its semi-annual report to the Department.

#### Community Engagement

26. The District shall submit, for the Department's approval, a community engagement plan (plan) on or before April 1, 2018. The plan shall facilitate the District obtaining advice from students, staff, parents, and community (collectively stakeholders) on:
- a. Implementing positive behavior and corrective action strategies in all school settings;
  - b. Promoting culturally responsive and non-discriminatory discipline strategies;

- c. Providing procedural fairness and reducing disparate outcomes in discipline referrals for students of color and students with disabilities;
  - d. Improving dialog among students, parents, teachers and administrators regarding discipline;
  - e. Developing structures and strategies that reflect restorative justice principles; and
  - f. Revisions to student discipline policies, handbook, behavior or discipline policy and/or school code of conduct.
27. The plan shall indicate how the District will use the information from stakeholders to amend or change District policy and practices involving school discipline. The District may use existing committees within the District or it may decide to create a Discipline Advisory Committee ("Committee") to facilitate implementation of its community engagement plan. Minn. Stat. § 124D.8955.
28. The Department shall not unreasonably withhold approval of the plan. The Department shall propose changes to the District's plan within 60 days of receipt. The parties will use their best efforts to resolve any issues the Department identifies with the plan.
29. Any subsequent changes to the District's plan shall be identified by the District in its semi-annual report to the Department.

#### School Resource Officers

30. The District will ensure that any law enforcement agencies contract explicitly provides that School Resource Officers (SROs) not recommend, determine or provide input on student discipline.
31. The District shall not request SROs to respond to any situation that personnel can adequately handle. Incidents such as disorderly conduct, bullying, cyberbullying, disruption of school assembly or activities, profanity, dress code, and fighting that does not involve physical injury or a weapon, shall be considered school discipline issues to be handled by school officials unless the presence of the SRO is necessary to protect the physical safety of students, school personnel, or public.
32. The District shall provide training to personnel regarding the appropriate role of the SRO and when personnel may request help from the SRO. The training will also emphasize that personnel are not to refer students to law enforcement because of conduct in the classroom unless the physical safety of students, school personnel, or the public is jeopardized.
33. The District shall ensure that all SROs receive training on bias-free policing, implicit racial bias, cultural competence, working with youth, de-escalation techniques, conflict resolution, child and adolescent development, and age-appropriate responses to behavior.
34. This Agreement does not prevent the District from entering into a contract for SRO services or from SROs from providing informal mentoring or counseling to students.
35. Before June 30, 2018, the District shall forward a copy of any contract for SRO services.

### Monitoring and Reporting

36. The District shall submit semi-annual reports to the Department demonstrating its efforts to comply with the provisions of this Agreement. The District shall provide semi-annual reports by September 1 of each year, and the second semi-annual report by February 1. The September report shall address activity for the preceding months of January through June. The February report shall address activity for the preceding months of July through December. The first semi-annual report is due to the Department on September 1, 2018.

37. The semi-annual report shall include the following information:

- a. Identify by school:
  - i. Any student suspended or removed from class for behavior or disciplinary purposes;
    1. Names of the students' parents or legal guardians
    2. Demographics of students removed from class (age, grade, race, ethnicity, or whether the student is a student with a disability);
    3. Length of suspension or time removed from class;
    4. Reason why action was undertaken by the Charter School;
    5. Discipline outcome of student removal, including in-school suspension, assignment to alternative educational services or alternative placement;
    6. The names and telephone contact information of the students' parents or legal guardians;
    7. Whether the students' parents or guardians were contacted prior to suspension or expulsion; and
    8. Whether the student was previously suspended during the academic school year;
  - b. Any report forwarded by the Discipline Supervisor to the Superintendent for each school concerning implementation of corrective action strategies identified within this Agreement;
  - c. Training records forwarded by the Principals of each school regarding the training received by school personnel on implicit bias, cultural competency, de-escalation techniques, conflict resolution, restorative practices and age-appropriate responses to behavior consistent with corrective action strategies and the metrics identified by the District;
  - d. Analysis of policies and practices that may lead to disparate outcomes in suspensions within the District, remedial efforts undertaken by the District, and promising strategies that are yielding positive results throughout the District;
  - e. Steps the District has taken to evaluate and ensure consistency among every school within the District concerning the language, terms and definitions used by school personnel to determine when school personnel could remove students from class or suspend a student. If the evaluation reveals inconsistency, the District shall identify what remedial steps it took to eliminate inconsistency between schools during the semi-annual reporting period;
  - f. All information and recommendations from students, parents, the school assessment team, or principal(s) forwarded to the Superintendent or School Board concerning the strategies identified within this Agreement;
  - g. All information and recommendations submitted by the Discipline Supervisor and Principal to the Superintendent, which were based upon information gathered and evaluation process set forth within this Agreement;

- h. All information and recommendations submitted by the Superintendent and Discipline Supervisor to the School Board which were based upon information gathered or evaluation process set forth in this Agreement;
- i. Decisions made by the Superintendent and School Board concerning recommendations made by students, parents, the school assessment team, or principals concerning the strategies or issues identified within this Agreement,
- j. Any personnel changes involving the Superintendent, Discipline Supervisor, or any of the Principals within school buildings.
- k. Any new SRO contract that the District has entered into with a local law enforcement agency after March 1, 2018.
- l. All students any SRO has restrained or removed from a classroom, school building, or school grounds at the request of school personnel. The information provided should identify all students any SRO has restrained or removed from the classroom or school at the request of personnel. The information provided should identify the age, race, ethnicity, national origin, gender of the student; whether the student is a student with a disability, the rationale for why the SRO restrained or removed the student, and whether the SRO arrested the student. Minn. Stat. §121A.61.

#### General Terms

- 38. The District agrees that the Department may conduct on-site reviews at any school within the District to evaluate compliance with the terms of this Agreement upon giving reasonable notice to minimize any disruption to the education of students.
- 39. The Parties acknowledge that the release of information concerning this matter from the files of the Department 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. 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.
- 40. Attached as Exhibit A to this Agreement is a glossary of terms. This Agreement is binding and constitutes the entire agreement between and among the Parties. The Parties may not modify this Agreement unless both parties agree in writing to the modification.
- 41. 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.
- 42. 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.
- 43. 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 August 1 report for the 2020-2021 academic school year.

- 44. 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.
- 45. 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.
- 46. 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.
- 47. If the Department believes the District is in material breach of this Agreement, 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.
- 48. Nothing within this Agreement prevents the Department from periodically requesting information from the District concerning all of its suspension and expulsion decisions to ensure that the District has correctly identified the suspension and expulsion decisions subject to this Agreement.

Dated: 2/20/18

By: Carlton D. Jenkins, Ph.D.  
Superintendent  
ISD 281

Dated: 2/20/18

By: [Signature]  
Title: School Board Chair  
ISD 281

Dated: 3/28/18

[Signature]  
Kevin Lindsey  
Commissioner  
MINNESOTA DEPARTMENT OF HUMAN RIGHTS

**Exhibit A**  
**Definitions**

“Alternative educational services” may include, but are not limited to, special tutoring, modified curriculum, modified instruction, other modifications or adaptations, instruction through electronic media, special education services as indicated by appropriate assessment, homebound instruction, supervised homework, or enrollment in another district or in an alternative learning center under Minn. Stat. § 123A.05 selected to allow the student to progress toward meeting graduation standards under Minn. Stat. § 120B.02, although in a different setting.

“Alternative Placement” refers to the removal of students from their regular classroom to an alternative school setting established by the District.

“Expulsion” refers to action taken by the School Board to prohibit an enrolled student from further attendance up to 12 months from the date the student was expelled.

“Identified removal behavior” refers to conduct that would lead school personnel to remove a student from class or suspend a student for engaging in conduct that would be reported by the District to MDE in one of the following DIRS categories: Attendance, Bullying, Cyber-Bullying, Disruptive/Disorderly Conduct/Insubordination, Harassment, Other, Threat/Intimidation, and Verbal Abuse.

“Parent” refers to (a) one or both biological or adoptive parent(s) of the student; (b) in the case of divorce or legal separation, the parent or parents with physical custody of the student, including a noncustodial parent with legal custody who has provided the District with a current address and telephone number; (c) the student’s legal guardian(s), or other person(s) legally responsible for a student under Minnesota law; or (d) in the case of a pupil with a disability under the age of 18, parent may include a district-appointed surrogate parent.

“Positive Behavior Interventions and Supports,” “PBIS,” or “corrective action strategies” means an evidenced-based framework for preventing problem behavior, providing instruction and support for positive and prosocial behaviors, and supporting social, emotional, and behavioral needs for all students. Minn. Stat. § 122A.627. PBIS strategies used by schools in Minnesota include, but are not limited to: behavior contracts, behavior support plans, conflict resolution or de-escalation strategies, Innocent Classroom, reflective activities, and restorative practices.

“School” means any school defined in Minn. Stat. § 120A.05, subdivisions 9, 11, 13 and 17.

“School Board” means the governing body of the District. Minn. Stat. § 123B.09.

“School discipline assessment team” refers to the individual(s) or group of faculty, staff, and administrators at each school who are authorized to administer or assess disciplinary consequences at the school.

“School discipline policy” refers to the written districtwide school discipline policy which includes written rules of conduct for students, minimum consequences for violations of the rules, and grounds and procedures for removal of a student from class that was adopted by the school board pursuant to Minn. Stat. § 121A.61.

“School personnel” refers to principals, assistant principals, office administrators, teachers, teacher aides, counselors, and other employees of the school who may be involved in the decision to suspend or expel a student.

“School Resource Officer” is a law enforcement officer with sworn authority, employed by a police department or agency, and deployed in a community-oriented policing assignment to work in collaboration with one or more schools.

“Student” means any individual: (a) without a disability under 21 years of age, (b) with a disability under 21 years old who has not received a regular high school diploma, or (c) a child with a disability who becomes 21 years old during the school year but has not received a regular high school diploma, until the end of that school year and who remains eligible to attend a public elementary or secondary school.

“Students of color” refers to students who have self-identified as a member one or more of the following racial or ethnic groups: Black/African-American, Asian-American, Hispanic, or Native American.

“Student with a disability” has the same meaning as a “child with a disability” under section Minn. Stat. § 125A.02.

“Student Behavior Handbook” refers to: (a) the information provided to parents and students that identifies the behavior for which a student could be suspended or expelled, (b) the appeal process concerning the suspension and expulsion decision, and (c) the rights students and parents have to appeal the suspension or expulsion decision. The Student Behavior Handbook may include more than one document or electronic record.

“Suspension” refers to the: (a) suspension of any general education students that lasts at least one school day but less than ten school days, or (b) suspension of any special education student that lasts at least half a school day or more but less than five school days. Minn. Stat. § 141A.47