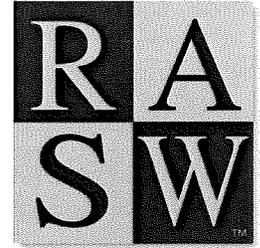


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the MN State Bar Association

RECEIVED

FEB 01 2019

January 31, 2019

MINN. DEPT. OF HUMAN RIGHTS

Via Messenger

Rebecca Lucero
Commissioner of Human Rights
Minnesota Department of Human Rights
Freeman Building
625 Robert Street North
Saint Paul MN 55155

RE: Rochester Public Schools Compliance and Implementation Report
MDHR Ref. No. 68096
Our File No. 0535-0396

Commissioner Lucero:

I represent Independent School District No. 535, Rochester Public Schools (“District”) on matters related to the September 2018 Collaboration Agreement between the Minnesota Department of Human Rights (“MDHR”) and the District. Please accept this letter and its enclosures as the District’s January 31, 2019 compliance and monitoring report.

The enclosed Exhibit A contains the summary data required under Paragraph 4a of the Collaboration Agreement. During the first semester of this school year, there were 492 out-of-school suspensions, three expulsions, and no exclusions. For out-of-school suspensions, 0.6 percent involved students who registered as Native American, 2.6 percent involved students who registered as Asian, 13.9 percent involved students who registered as Hispanic, 38.4 percent involved students who registered as Black, 38 percent were for students who registered as White, and 6.5 percent involved students who registered under more than one race. Fifty three percent of the out-of-school suspensions involved students

identified as students with a disability. The three main offenses that resulted in out-of-school suspensions were physical aggression (31.3 percent), fighting (24.3 percent), and alcohol, drugs, tobacco, paraphernalia (23.2 percent). These three offense categories accounted for 78.8 percent of out-of-school suspensions. A total of 378 students accounted for the 492 out-of-school suspensions. The District's enrollment for the 2018-2019 school year is 18,162 students.

Of the three expulsions, two expulsions involved White students and one involved a Black student. Two of the expelled students were identified as students with a disability. The offenses leading to the expulsions all involved chemical distribution violations, which are specifically identified in the Student Behavior Handbook as offenses that will result in expulsion.

In accordance with Paragraph 4(b)(i), the enclosed Exhibit B outlines the specific steps the District has taken to implement its plan for addressing the MDHR's concerns related to discipline disparities. The District submits the following information with respect to the remaining items outlined under Paragraph 4(b).

- 1. A brief summary of the qualitative and quantitative metrics the District developed to measure the effectiveness of its plan and the steps taken by the District to measure the effectiveness of the plan.**

The vast majority of the items outlined in the plan submitted to MDHR are measures the District had already implemented pursuant to a September 2015 Resolution Agreement between the District and the U.S. Department of Education's Office for Civil Rights ("OCR"). The September 2015 Resolution Agreement is referenced in Paragraph 3 of the parties' September 2018 Collaboration Agreement. One metric the District has been using to measure its efforts to address concerns over student discipline disparities is OCR's monitoring of the District's compliance with the Resolution Agreement.

The District recently received confirmation from OCR that it has successfully completed all requirements outlined in the September 2015 Resolution Agreement. By letter dated January 25, 2019, OCR informed the District that it has officially closed its monitoring review of the District's compliance with the OCR Resolution Agreement. The District's successful compliance with all terms and conditions of the OCR Resolution Agreement is the culmination of years of hard work and reflects a significant accomplishment toward achieving the parties' shared goal of addressing issues related to student discipline disparities.

The District is also monitoring the effectiveness of its plan in other ways. For example, the District continues to gather and review discipline data. As noted in the attached Exhibit B, the District's Data Team met earlier this month to review data from the first semester of the 2018-2019 school year. This shows that overall suspensions are occurring at a rate that is generally consistent with the rate from the 2017-2018 school year, when the District saw a significant decrease in suspensions as a result of the policy and procedure changes discussed in more detail below. There were three expulsions during the first semester of the 2018-2019 school year. Each expulsion involved chemical distribution offenses that are specifically identified in the District's Student Behavior Handbook as offenses that warrant expulsion. Despite the District's recent success in reducing overall office referrals and suspensions, the District acknowledges certain student groups continue to encounter discipline situations at higher rates than others. This has been a persistent issue despite the District's successful compliance with all terms and conditions in the 2015 OCR Resolution Agreement and the District's efforts to implement its MDHR-approved plan. The District's Superintendent and Cabinet-level administration will review data over the course of the coming months to identify trends and take follow up action that is appropriate under the circumstances, which may include proposing modifications to the MDHR-approved plan to emphasize successful strategies and deemphasize strategies that are not working.

In addition to reviewing data, the District is monitoring the effectiveness of its plan by providing opportunities for students, staff, and members of the community to provide input on student discipline issues. By way of example, the District included a feedback form when it distributed its Student Behavior Handbook to families at the beginning of the 2018-2019 school year. The form provided an opportunity for families to give feedback that is reviewed at the District-office level. Similarly, the Student School Board provided feedback on the Student Behavior Handbook at a meeting last fall.

Another example of how the District monitors the effectiveness of its plan is the review process implemented for office referrals, suspensions, expulsions, and referrals to law enforcement. For instance, District-level administration reviews office referrals to ensure that building-level staff are not resorting to an office referral for behavior that should be addressed in a classroom. Building administrators must contact District administration before suspending a student for an offense that falls outside of the three suspension categories specifically listed in the Student Behavior Handbook. Building administrators also must notify District administration whenever a student's conduct is referred to law enforcement.

Finally, from a professional development and instructional practices standpoint, the District continues to gather needs input on culturally responsive practices and provide

relevant professional development and ongoing classroom support by trained coaches and experts such as Dr. Sharroky Hollie and the Midwest and Plains Equity Assistance Center. The District also collects data regarding instructional practices through classroom observation, stakeholder input, and the CLASS Tool evaluation.

2. A description of any policy or procedure changes made as a result of the ongoing data analysis referenced in the plan.

The District shared information with your predecessor regarding significant changes it made to its School Board Policy 506, which addresses student discipline, and its Student Behavior Handbook going into the 2017-2018 school year. Among other things, the policy and Handbook modifications were designed to eliminate vague or subjective offense categories, define offense categories, and more clearly outline expectations for when behavior warrants an office referral. These changes, along with the District's other efforts to ensure the consistent application of behavior expectations, resulted in a 64.9 percent decline in the total number of office referrals across the District between the 2016-2017 school year and the 2017-2018 school year.

The District's overhaul of Policy 506 and the Handbook was reviewed and approved by OCR pursuant to the September 2015 Resolution Agreement. Given OCR's approval of the District's updates and the fact that the District has not had sufficient time to monitor the long-term effects of its updates, the District has not made any notable policy or procedure changes since September 2018.

3. Any proposals to modify the plan to eliminate any aspects of the plan that are not achieving their desired outcomes.

The District has no proposals to modify its plan at this time. The District will most likely be in a better position to evaluate whether modifications would be appropriate after the 2018-2019 school year is completed.

Please do not hesitate to have a representative of your office contact me if you have any questions or concerns about this report.

Commissioner Lucero
January 31, 2019
Page 5

Very Truly Yours,

A handwritten signature in black ink, appearing to read "John P. Edison", written in a cursive style.

John P. Edison

Enclosures

cc: Michael Muñoz, Superintendent (w/enclosures; via U.S. Mail)

RASW: 126891

Total Out of School Suspensions by race

Native American	3
Asian	13
Hispanic	68
Black	189
White	187
Multi Race	32
Total	492

Total Expulsions by Race

0
0
0
1
2
0
3

Total Out of School Suspensions by disability status (as of 10/1/18) Total Expulsions by disability status (as of 10/1/18)

Identified without disabil	261	1
Identified with disabiliti	231	2
Total	492	3

Exhibit B
Rochester Public Schools Plan to Address Disparities
January 31, 2019 Update

POSITIVE SCHOOL CLIMATE			
ACTION STEP	PERSON(S) RESPONSIBLE	TIMELINE	January 2019 Update
Annual review of student handbook and applicable school board policies, including soliciting parent, student, and staff feedback	School Board/Cabinet	May/June	<ul style="list-style-type: none"> ● The Student Handbook was distributed to all students and reviewed by Building Administration during the first two weeks of school. ● A feedback form is included within the Handbook giving students, parents and staff an opportunity to provide their feedback. ● The feedback forms are collected and reviewed at the District level. ● Student School Board provided their feedback during a late fall meeting.
PBIS framework implemented at all sites	Administration/Site PBIS Teams	Ongoing	<ul style="list-style-type: none"> ● The PBIS framework is implemented at all sites with support from the Discipline Supervisor. ● The Discipline Supervisor meets with the PBIS leadership from each building on a regular basis to support and monitor implementation.
Foster positive staff and student relationships: Responsive Classroom, Love and Logic, Restorative Practices, AVID, Sanneh Foundation (Dreamline)	District and Building Leadership	Ongoing	<p>Professional Development opportunities have been offered to staff at buildings and at the district level. Topics have included:</p> <ul style="list-style-type: none"> ● Responsive Classroom, Suicide Prevention, Restorative Practices, AVID, Mindfulness, Social and Emotional Learning, Family Engagement, Positive Discipline, Classroom Management, Trauma Informed Practices, Building Community in Schools, De-escalation Strategies, Stress Management and Resiliency Training, Proactive Behavior Management,

ACTION STEP	PERSON(S) RESPONSIBLE	TIMELINE	January 2019 Update
Meeting with Police Liaison Officers	Superintendent/District Leadership/Building Leadership	Quarterly	<ul style="list-style-type: none"> The Executive Director of Operations met with the Police Liaison Officers on August 22 and October 26. Meetings for the other quarters have been scheduled.
Integrate CLRT (Culturally and Linguistically Responsive Teaching) strategies into teacher evaluation tool	District Discipline Supervisor/Midwest Plains Equity (District Equity Experts)	Emerging	<ul style="list-style-type: none"> In late December a District team of Administrators, Equity Specialists, Instructional Coaches and Curriculum & Instruction Staff met with Midwest & Plains Equity Assistance Center to develop a draft rubric to include in the CLASS Tool utilized to provide feedback to staff. Currently, teams of staff made up of additional people in the above groups are reviewing the work done in December to provide feedback to the District team.

PROFESSIONAL DEVELOPMENT/INSTRUCTIONAL PRACTICES			
ACTION STEP	PERSON(S) RESPONSIBLE	TIMELINE	January 2019 Update
CLRT Practices: ongoing training with Dr. Hollie	All Certified Staff	Back to School Training (August 24, 2018)/Ongoing	<ul style="list-style-type: none"> District-wide training with Dr. Hollie occurred with all staff on August 24, 2018. This included licensed and support staff.
Develop building cohorts receiving extended training in CLRT	Selected staff at each site	Ongoing	<ul style="list-style-type: none"> All buildings have a cohort of teachers who are participating in a study of Dr. Hollie's Culturally and Linguistically Responsive Teaching Practices binder. Each cohort teacher will be observed by one of Dr. Hollie's coaches three times this school year. They will receive feedback after each classroom observation.
Ongoing internal coaching support for CLRT	Instructional Coaches/Equity Specialists/Equity Implementation Associate	Ongoing	<ul style="list-style-type: none"> Instructional Coaches are leading CLRT efforts in each building. They receive training each month at their Coaches Cohort meeting. This training is led by our Equity Implementation Associate.

ACTION STEP	PERSON(S) RESPONSIBLE	TIMELINE	January 2019 Update
Crisis Prevention and Intervention Strategies training	All Administration/Select Special Ed Staff	Annually	<ul style="list-style-type: none"> • Crisis Prevention and Intervention Strategies training occurred during the summer and early fall for all site administrators. Specific special education staff who work in intensive programs also received the training. Opportunities for additional staff to take the training occurs throughout the school year through the District Professional Growth Academy.
ENVoY (non-verbal classroom management strategies)	All certified K-8	Ongoing	<ul style="list-style-type: none"> • All K-8 Certified Staff have completed ENVoY 7 Gems Training
Extended ENVoY for Special Education Staff	Selected K-8 Special Education Staff	Ongoing	<ul style="list-style-type: none"> • A number of teaching staff have participated in additional ENVoY training that focuses on incorporating ENVoY strategies with small groups of students.
Dr. Treuer training on Native American cultural responsiveness	All Certified Staff and Paraprofessionals	Back to School Training (August 24, 2018)	<ul style="list-style-type: none"> • All staff (licensed and support) attended training with Dr. Treuer on August 24, 2018.
PBIS training including collaboration with Dr. Hollie	All School Sites	Quarterly	<ul style="list-style-type: none"> • Site PBIS Teams have incorporated Dr. Hollie's CLRT strategies. • Fall workshop day were held on October 30 and November 1, 2018 • On February 1, 2019 a PBIS Conference will be held in-district and will be differentiated to meet the needs of each building.
Provide training on Student Handbook to all staff, administrators and other personnel responsible for response to student behavior	District Administration/Site Administration	Completed by end of September each school year	<ul style="list-style-type: none"> • Updates to the Student Handbook were provided to District Leadership on August 2, 2018. • Administrators presented the Student Handbook to staff during Back To School Workshop Week (August 20-25, 2018). • Administrators reviewed the Student Handbook with students during the month of September.
Site and departments develop Equity Action Plan	District Administration/Site Administration/Staff	Leadership Training (August 2, 2018)/Ongoing	<ul style="list-style-type: none"> • All school sites have presented their Site Improvement Plan (which includes an Equity Action Plan) to the Superintendent and Cabinet.

BEHAVIOR INTERVENTIONS

ACTION STEP	PERSON(S) RESPONSIBLE	TIMELINE	January 2019 Update
Consistent Office Referral forms across the District	District Administration/Site Administration	Ongoing	<ul style="list-style-type: none"> • All sites are required to use the same District-developed form for recording office referrals. • All sites are required to enter Level II Office Referrals into the Skyward system on a regular basis. • All Administrators receive an auto-generated weekly report of their Office Referrals for their site as entered into Skyward on Sunday of each week.
Clear and consistent definitions of Level I and Level II behaviors	District Administration/Site Administration	Ongoing	<ul style="list-style-type: none"> • Staff are required to follow the Student Handbook when writing Office Referrals. Referrals are reviewed by Administration to determine if they meet the definition of a Level II offense.
Standardization of responses to specific behaviors	District Administration/Site Administration	Ongoing	<ul style="list-style-type: none"> • District Administration worked with building leaders to develop a violation guideline so that there is consistency from building to building in terms of consequences. Administrators continue to review each situation on a case-by-case basis, using the violation guideline as a reference.
District oversight of suspensions that fall outside the behaviors outlined in the Student Handbook	Department of Elementary & Secondary Education	Ongoing	<ul style="list-style-type: none"> • Building Administrators must contact the Office of Elementary and Secondary Education to seek permission to suspend students when an offense falls outside of the three reasons for suspension outlined in the Student Handbook.
District oversight of referrals to law enforcement	Discipline Supervisor	Ongoing	<ul style="list-style-type: none"> • Building Administrators must contact the District Discipline Supervisor when student behavior is referred to Law Enforcement.

ACTION STEP	PERSON(S) RESPONSIBLE	TIMELINE	January 2019 Update
Implementation of Rochester Alternative to Suspension Program (RASP)	Department of Student Services	Ongoing	<ul style="list-style-type: none"> The District has offered an Alternative to Suspension Program (RASP) for students who have been suspended for more than one school day. This program primarily serves students at the secondary level; however, 5th graders have occasionally attended as well.
PROGRESS MONITORING			
ACTION STEP	PERSON(S) RESPONSIBLE	TIMELINE	January 2019 Update
Analyze data concerning exclusions, suspensions and expulsions disaggregated by race, disability, school, and the most frequent reasons for discipline leading to school removal	School Board/Site Administration/District Administration/Discipline Supervisor	Monthly at school sites, Semi-Annually for the School Board	<ul style="list-style-type: none"> The District Data Team met on January 3rd, 2019 to review the discipline data. A subset of this Team subsequently met to further analyze the current data. The most frequent reasons for suspension include: physical aggression, fighting and possession/distribution of alcohol, drugs and tobacco. The District has had three student expulsions so far this year. The reason for all three have been distribution of drugs.
District Discipline Supervisor to meet monthly with each building administration to review all suspension data broken down by race and disability status	Discipline Supervisor/building administrator	Monthly	<ul style="list-style-type: none"> These meetings have been held monthly by the Discipline Supervisor with building administration.
Inclusion of Behavior Goal within Site Improvement Plan	Building Administrator/Building Leadership Team	August/quarterly monitoring	<ul style="list-style-type: none"> Each site completed a Site Improvement Plan which included one academic and one behavior goal for the year.

ACTION STEP	PERSON(S) RESPONSIBLE	TIMELINE	January 2019 Update
Site Improvement Plan Presentation (each plan includes a student behavior goal)	Superintendent/Cabinet/Building Leadership Teams	Annually	<ul style="list-style-type: none"> The Leadership Team at each building presented their Site Improvement Plan to the Superintendent and Cabinet in Fall of 2018.

STUDENT, FAMILY, STAFF, COMMUNITY ENGAGEMENT			
ACTION STEP	PERSON(S) RESPONSIBLE	TIMELINE	January 2019 Update
Student School Board – monthly meeting with student representation from all secondary sites	Superintendent/District Discipline Supervisor/School Board	Monthly	<ul style="list-style-type: none"> The Superintendent, Discipline Supervisor and School Board members have held monthly meetings with students from all secondary sites.
Superintendent Listening Posts – opportunity for stakeholders to discuss topics of interest	Superintendent/Cabinet	Quarterly	<ul style="list-style-type: none"> A Superintendent’s Listening Post was held in November. The second one is scheduled for January 29, 2019.
Student Listening Posts (Secondary Level) – opportunity for students to discuss topics of interest	Superintendent/Cabinet/Building Leadership	Quarterly	<ul style="list-style-type: none"> The Superintendent and Cabinet members conducted Student Listening Posts at each of our secondary sites during the first semester. Building Leaders are conducting Listening Posts in their buildings during second semester.
Survey to gather feedback on the Plan	Communications/Building Leadership	Annually	<ul style="list-style-type: none"> This will occur in the Spring of 2019
Student Perception Data	Building Leadership	Ongoing	<ul style="list-style-type: none"> Some buildings have administered student perception surveys to gather student feedback. We are exploring a universal tool for all sites to utilize for this purpose.
Community Input Sessions to gather feedback (strengths, concerns, questions, suggestions) on the Plan	Superintendent/Cabinet	Semi-Annually	<ul style="list-style-type: none"> The Superintendent will host a Community Listening Post on January 29, 2019 to gather feedback on the plan.

ACTION STEP	PERSON(S) RESPONSIBLE	TIMELINE	January 2019 Update
Attend staff meetings to gather staff feedback on the Plan	Superintendent/Cabinet	Annually	<ul style="list-style-type: none"> • Staff meetings to gather feedback on the plan will take place during second semester.