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October 23, 2017

[REDACTED]

Dear Superintendent [REDACTED]

The Minnesota Department of Human Rights (MDHR) is charged with the responsibility of enforcing the Minnesota Human Rights Act (Act). MDHR enforces the Act by investigating claims of discrimination in the form of an administrative charge, negotiating settlement agreements and when necessary, after finding evidence of discrimination, we initiate litigation.

MDHR often reaches out to parties to determine if a settlement can be reached prior to an investigation being initiated and administrative charges being filed. Parties are not required to meet with MDHR; however, it is usually helpful to expedite resolution.

We believe that ISD [REDACTED] may have violated the Act and believe that it would be beneficial for us to meet to explore possible settlement before we initiate an investigation.

As background for you, MDHR has reviewed the Discipline Incident Reporting System (DIRS) data submitted by school districts and charter schools for the past five school years. In reviewing the data, MDHR found significant disparities in the rate in which Native American students, African-American students, students of color, and students with disabilities were suspended and expelled. We also found that the majority of decisions involving suspensions and expulsions involved subjective discretionary decisions.

For example, for the 2015-2016 school year, MDHR found that in Minnesota:

- Native American students were 10 times more likely to be suspended or expelled than their white peers.
- African-American students were 8 times more likely to be suspended or expelled than their white peers.
- Students of color were twice as likely to be suspended or expelled as their white peers.
- Students with disabilities were twice as likely to be suspended or expelled as their peers.
- 55% of all suspensions and expulsions were based on subjective discretionary decisions.
- The subjective category disruptive/disorderly conduct/insubordination accounted for 37% of all suspensions and expulsions.

As a result of these disturbing disparities, MDHR is proactively reaching out to several school districts and charter schools with consistent disparities over the five year period. MDHR identified ISD [REDACTED] as one of those of concern. 2015-16 DIRS data shows:

AN EQUAL OPPORTUNITY EMPLOYER

- [REDACTED] of suspensions and expulsions in the district were based on subjective reasons.
- African-American students comprised [REDACTED] of the student population in the district but received [REDACTED] of all suspensions and expulsions in the district.
- Students of color comprised [REDACTED] of the student population in the district but received [REDACTED] of all suspensions and expulsions in the district.
- Students with disabilities comprised [REDACTED] of the student population in the district but received [REDACTED] of all suspensions and expulsions in the district.

MDHR believes that these disparate outcomes in ISD [REDACTED] are denying educational access and negatively impacting educational outcomes for Native American students, African-American students, students of color, and students with disabilities under the Act.

MDHR is willing to forego initiating an administrative charge and investigation if ISD [REDACTED] will agree, by November 6, 2017, to negotiate a settlement agreement in good faith. As part of good faith settlement negotiations, MDHR will be looking for ISD [REDACTED] to commit to:

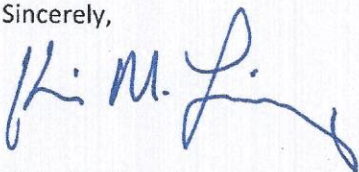
- *Schedule an in-person meeting to discuss a potential agreement.*
- *Review and analyze suspensions and expulsions periodically throughout the school year.*
- *Provide training on alternative practices to suspend and expel students.*
- *Eliminate the involvement of student resource officers/police liaison officers in decision making concerning suspensions or expulsion.*
- *Participate on school diversion committee, which will require providing data to the committee.*
- *Engage students, parents, guardians, and the school community on the suspension and expulsion practices of the school or district.*

My Executive Aide, Beth Commers, will reach out to you to schedule a meeting within the next two weeks. ***If are not interested in pursuing a good faith settlement agreement with MDHR and fail to schedule a meeting with us by November 6, 2017, MDHR will file an administrative charge and conduct an investigation into your suspension and expulsion practices.***

If you have questions about this correspondence before Beth reaches out to you, please feel free to contact her directly at 651-539-1098.

We look forward to meeting with you.

Sincerely,



Kevin Lindsey, Commissioner
Minnesota Department of Human Rights