On November 13, 2014, the Minneapolis Public Schools (District) entered into a voluntary Agreement to resolve a Title VI compliance review that OCR initiated regarding the equitable discipline of students. According to the Agreement, the District will make revisions to its discipline polices and procedures; designate employees to serve as the District's Discipline Supervisor and complaint coordinator; consult with and, as necessary, retain an expert to assess and make recommendations to address the root causes on the racial disparity in discipline in the District; establish a District-wide discipline team to review the disciplinary actions taken at each school on an ongoing basis to ensure that the actions are non-discriminatory and consistent with the District's discipline policies and procedures; conduct an annual review of data collected regarding disciplinary referrals and sanctions at each school and by each teacher; ensure that except in emergency situations, school staff employ a range of corrective measures before referring a student to disciplinary authorities; provide a system of supports to assist students who display behavior problems; provide annual training programs on discipline to District personnel and students and informational programs for parents and guardians; review and revise its policy on involuntary administrative transfers and its School Resource Officer program to ensure their effectiveness in furthering the goals of the agreement, and provide annual training to all School Resource Officers; administer annually a comprehensive climate survey to students, teachers/staff, and parents at all District schools to measure the perceptions of students and other members of the community in connection with the administration of school discipline, and following OCR review and approval, take steps to address concerns raised by the survey results; establish uniform standards for the content of student discipline files at all District schools; and develop a means to convey to the public data on the use of discipline
U.S. Education Department Reaches Voluntary Resolution Agreement Following Minneapolis Public School District Discipline Investigation

NOVEMBER 20, 2014

Contact: Press Office, (202) 401-1576, press@ed.gov

The U.S. Department of Education announced today the successful resolution of a compliance review concerning student discipline in the Minneapolis Public School District, the largest school system in Minnesota. An investigation revealed that black students in grades K-12 were significantly overrepresented in the district’s disciplinary actions.

A voluntary resolution agreement between the district and the Department's Office for Civil Rights (OCR) concludes an investigation that examined whether the district’s disciplinary system discriminates against black students. OCR's agreement reinforces Title VI's prohibition on the different treatment of students on the basis of race in the administration of discipline and on the use of policies and procedures that have an unjustified effect of discriminating against students on the basis of race.

"Today's agreement demonstrates the district's commitment to fair and equitable education for all students," said Catherine E. Lhamon, assistant secretary for the Office for Civil Rights. "I applaud the district for its efforts to improve its discipline policies, procedures and practices for the 40,000 students it serves and look forward to working with the district to implement this agreement."

OCR's investigation found that black students were considerably overrepresented in all of the district's disciplinary actions, including out-of-school suspensions, in-school suspensions, administrative transfers to other schools, referrals to law enforcement as well as detentions, Saturday school, and community service or restitution.

In 2010-11 and 2011-12, black students made up about 40 percent of the student enrollment, yet were the subject of 74 percent of the district's recorded disciplinary incidents, and black students received over 60 percent of the in-school suspensions, over 78 percent of the out-of-school suspensions, and over 69 percent of the referrals to law enforcement.

Black students were also more than 73 percent of the students administratively transferred to a different school for disciplinary reasons. They were also disproportionately represented in discipline for "disruptive, disorderly or insubordinate" behavior, and in 2011-12, were the only students administratively transferred to another school because of disruptive behavior.

Looking behind the numbers, OCR's investigation revealed that in more than a fourth of the disciplinary incidents targeted for OCR review from the 2011-12 school year, interviews with district staff did not clarify nondiscriminatory reasons for apparently different treatment of students. Instead, OCR's probe determined, among others, the following types of race-based differences in discipline meted out:

- A responsible school official assigning two white 9th grade students to an alternative instruction room for play fighting, but giving a one-day, out-of-school suspension to a black 10th grade student for the same offense.
- Assigning a white student to an alternate instruction room for bullying, but imposing a two-day out-of-school suspension on a black student who also engaged in bullying.
- Assigning a white student to an alternative instruction room for fighting with another student, while suspending out of school for one or two days four black students who engaged in similar fights. And
-Suspending a black 2nd grade student for one day for poking another student with a pencil but not suspending a white 2nd grade student who threw a rock and broke a teacher’s sunglasses and also hit another student in the head; allowing the student to work off the cost of the sunglasses by helping the teacher at lunch for several days.

OCR's investigation showed that while the district did not expel any students and did not suspend any preschool students, the district’s exclusionary discipline practices (including out-of-school suspensions) began as early as kindergarten.
Given the significant disparities in the district's discipline of black students, the agreement requires the district to comprehensively assess the racial disparities in its administration of discipline and take steps to ensure that discipline is appropriately and equitably applied to all students.

The district implemented revised discipline policies and procedures at the start of the 2014-15 school year that included clearer definitions and categories of offenses and emphasized the district's goal of minimizing the student instruction time lost because of a student's removal from class due to misbehavior.

Through the agreement, which the district signed prior to the completion of OCR's investigation, the district committed to take specific actions to ensure that it implements fair and equitable discipline policies and practices. Specifically, the district agreed to take the following actions:

- Further review its student discipline policies, practices and procedures and make revisions, as appropriate, to take into account any recommendations made by the district's newly formed student committees and working groups and to include changes required by the agreement, including clear due process provisions.
- Designate an employee to serve as the district's discipline supervisor and a district office administrator to address complaints regarding implementation of the district's disciplinary policies.
- Comprehensively assess the implementation of its discipline policies, procedures and practices to ensure they are being effectively implemented in a nondiscriminatory manner.
- Consult with and, as necessary, retain an expert or experts to make recommendations on non-discriminatory discipline practices.
- Establish a discipline team to review the disciplinary actions taken at each district school on an ongoing basis to ensure that the actions are non-discriminatory and consistent with the district's student discipline policies, practices and procedures.
- Conduct an annual review of data collected regarding disciplinary referrals and sanctions at each school and by each teacher.
- Ensure that school staff employs a range of corrective measures before referring a student to disciplinary authorities unless it can be documented that the safety of students and/or staff is threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral.
- Provide a system of supports to assist students who display behavior problems.
- Provide annual training programs on discipline to district personnel and students and informational programs for parents and guardians.
- Review and, as appropriate, revise its policy on involuntary administrative transfers and its School Resource Officer program to ensure their effectiveness in furthering the goals of the agreement, and provide annual training to all district School Resource Officers.
- Administer annually a comprehensive climate survey to students, teachers/staff, and parents at all district schools to measure the perceptions of students and other members of the district community in connection with the administration of school discipline.
- Establish uniform standards for the content of student discipline files at all district schools.
- Develop a means to convey to the public data on the use of discipline.

OCR's investigation did not reveal that district's procedures previously or currently require superintendent office-level approval for non-violent suspensions of students of color. The agreement does not include any such requirement.

A copy of the resolution letter can be found here, and the agreement is posted here.