



Student Discipline Working Group

Fiscal Year 2017

Report to the Legislature

As required by Minnesota Statutes,

section 121A.40 to 121A.56

COMMISSIONER:

Brenda Cassellius, Ed. D.

FOR MORE INFORMATION, CONTACT:

Mark French, Tri-Chair
Representing: Minnesota Elementary
School Principal's Association (MESPA)
mark.french@hopkinsschools.org

Marika Pfefferkorn, Tri-Chair
Representing: Minnesota Education Equity
Partnership (MnEEP)
mpfefferkorn@mneep.org

Lupe Thornhill, Tri-Chair
Representing: Minnesota Youth Council

Cost of Report Preparation

The total cost for the Minnesota Department of Education (MDE) to prepare this report was approximately \$375. Most of these costs involved staff time in analyzing data from surveys and preparing the written report. Incidental costs include paper, copying and other office supplies.

Estimated costs are provided in accordance with Minnesota Statutes 2015, section 3.197, which requires that at the beginning of a report to the Legislature, the cost of preparing the report must be provided.

Legislative Charge

A Student Discipline Working Group is created to review the substance, application, and effect of Minnesota's Pupil Fair Dismissal Act under Minnesota Statutes, sections 121A.40 to 121A.56, and related student discipline provisions in Minnesota Statutes, chapter 121A, and submit written recommendations to the chairs and ranking minority members of the committees in the House of Representatives and the Senate with jurisdiction over education by February 1, 2017, on improving disciplinary policies, practices, and procedures as they affect students and school officials and the effects on student outcomes.

Legislation

Sec. 57. STUDENT DISCIPLINE WORKING GROUP.

(a) A Student Discipline Working Group is created to review the substance, application, and effect of Minnesota's Pupil Fair Dismissal Act under Minnesota Statutes, sections 121A.40 to 121A.56, and related student discipline provisions in Minnesota Statutes, chapter 121A, and submit written recommendations to the chairs and ranking minority members of the committees in the house of representatives and the senate with jurisdiction over education by February 1, 2017, on improving disciplinary policies, practices, and procedures as they affect students and school officials and the effects on student outcomes.

(b) Consistent with paragraph (a), the working group must analyze:

(1) available summary data on elementary and secondary students' removal from class, suspensions, exclusions, and expulsions, disaggregated by categories of race, ethnicity, poverty, disabilities, homelessness, English language proficiency, gender, age, and foster care status;

(2) the meaning and effect of "willful" in establishing grounds for dismissal under Minnesota Statutes, section 121A.45;

(3) the impact of student misconduct on teacher safety;

(4) district and school policies and standards to ensure minority students and English learners are not disproportionately determined eligible for special education services, dismissed from school or otherwise disciplined, placed in settings other than regular education classrooms, or dissuaded or otherwise prevented from taking rigorous or challenging courses;

(5) the impact of established policies and due process procedures on teacher safety and student outcomes;

(6) students' need for and access to professional support service providers such as school counselors, school social workers, school psychologists, and mental health professionals;

(7) the presence of school resource officers in school buildings, their role in effecting student discipline, and their impact on teacher safety and student outcomes;

(8) policies for retaining and destroying student disciplinary data;

(9) best practices for school discipline; and

(10) other related school discipline matters that are of concern to working group members.

(c) The working group consists of 21 members. By June 1, 2016, the executive director of each of the following organizations shall appoint one representative of that organization to serve as a member of the working group: the Minnesota School Boards Association; the Minnesota Association of School Administrators; Education Minnesota; the Minnesota Board of Peace Officer Standards and Training; the Minnesota Disability Law Center; the National Alliance of Mental Illness Minnesota; the Minnesota Association of Secondary School Principals; the

Minnesota Elementary School Principals' Association; the Association of Metropolitan School Districts; the Minnesota Rural Education Association; the Minnesota School Counselors Association; the Minnesota School Psychologists Association; the Parent Advocacy Coalition for Educational Rights; Minnesota Administrators for Special Education; Schools for Equity in Education; Minnesota Education Equity Partnership; Educators for Excellence; the School Nurse Organization of Minnesota; the Minnesota Association of Charter Schools; the Minnesota Youth Council; the Minnesota School Social Workers Association; and the American Federation of State, County, and Municipal Employees (AFSCME). Working group members must seek advice from experts and stakeholders in developing their recommendations.

(d) The commissioner of education, or the commissioner's designee, must convene the first meeting of the working group. The working group must select a chair or co-chairs from among its members at the first meeting. The working group must meet periodically. The commissioner must provide technical and administrative assistance to the working group upon request. Working group members are not eligible to receive expenses or per diem payments for serving on the working group.

(e) The working group expires February 2, 2017.

Recommendations from the Student Discipline Working Group

For the Minnesota State Legislature

1. Increase funding for clinical school-linked mental health services provided via school community partnerships.
2. Increase funding to school districts to provide student support services that meet professional standards that include: school counselors, school social workers, school psychologists, school nurses, school chemical health counselors, behavior support specialists, and mental health professionals.
3. Provide resources to school districts for the acquisition and training of positions described as cultural liaisons, equity coordinators, and diversity teachers, to support students, families, and staff.
4. Fund pilot project to reduce racial disproportionality in student discipline that will be coordinated by MDE with involvement by the impacted communities.
5. Establish, communicate, and clarify clear due process (pre, during, and post) for all student dismissals. It is recommended to have due process information in multiple languages and create elementary and secondary versions.
6. Reports of physical assault or history of violent behavior (as referenced in 121A.64) should not be required to be given to future teachers after one year of no additional reported incidents and should be amended to its previous language.
7. In light of the Minnesota Supreme Court decision, the working group recommends a review of the meaning of the word “willful” due to the complex balance of students’ due process rights with the obligation of providing a safe school environment.
8. Improve statewide reporting and data collection on agreements in lieu of expulsions or a withdrawal following a proposal to expel a student.
9. MDE shall establish a mechanism for the collection of data regarding the use of school resource officers (SRO). The following data should be reported: number of SROs; existence of a contract governing the use of an SRO; number of buildings/students supported by an SRO; and the number of school-based officer-involved use-of-force incidents and the underlying basis for the student/SRO contact.
10. Increase fiscal support to implement recommendations.

For the Department of Education

1. Offer training for all school staff on educational model of mental health and trauma-informed schools.
2. Offer training for school resource officers on mental health and de-escalation strategies.

3. Identify, support, promote, and expand best practices and recognize them. Include restorative practices, social and emotional learning, PBIS, and trauma-informed schools, among those practices.
4. Provide appropriate funding for MDE to carry out the proposed recommendations.

For School Districts and School Sites

1. A school should establish a site team to conduct a student discipline needs assessment, develop and implement strategies to improve student discipline outcomes, and guide student discipline policies in the building. The site team must include parents, teachers, community members, paraprofessionals, and at least one administrator.
2. Implement a problem-solving process to support all staff and students when safety of either is a concern following an incident.

Belief Statement

We believe that Minnesota students:

- Can all succeed and graduate from high school; out-of-school suspension is a barrier to learning and on-time graduation.
- May come to school with behaviors/symptoms related to a mental illness, may have been exposed to recent or historical trauma and may be in distress.
- Deserve developmentally appropriate disciplinary practices.
- Have a right to due process.

We believe that Minnesota schools:

- Must be physically and emotionally safe for students and staff members.
- Can eliminate the disproportionality in the use of disciplinary practices on students. In the 2015-16 school year, the following student groups were dismissed from school at a disproportionate rate:
 - Black students.
 - American Indian students.
 - Hispanic/Latino students.
 - Multi Race students.
 - Students with a disability.
 - Male students, particularly those in one or more of the above groups.
- Can increase the use of positive interventions in lieu of discipline practices, through such practices as Positive Behavioral Interventions and Supports (PBIS), social emotional learning, and restorative justice practices.
- Must have enhanced funding in order to improve school disciplinary practices and increase positive outcomes for Minnesota students. Increased funding is necessary in order to add and implement strategies that create a positive school culture, provide support and training for staff members and increase support personnel in schools.

Overview of Discipline

Keeping kids in school and receiving instruction is critical to students and for parents, communities and businesses. As students engage in the learning process they should understand both academic and behavioral expectations. Developmentally this requires observing, applying and receiving consistent feedback on progress in real time -- behavior is taught. It is the role of educators and schools in partnership with families and community to teach students how to behave, set expectations and model accountability.

Working Group Design

Members requested presentations from multiple guest speakers (community experts and professional associations) and MDE staff to guide and inform work. Decisions were made by consensus. While all decisions did not establish full consensus, the group settled on a majority.

Based on the review of national data and a scan of statewide discipline data, the Minnesota Department of Education provided information related to discipline and in addition to local presentations from community members and professional associations.

Appointed members of the 2016 Student Discipline Working Group elected Tri-chairs Mark French, Minnesota Elementary School Principals Association (MESPA); Marika Pfefferkorn, Minnesota Education Equity Partnership (MnEEP); Lupe Thornhill, Minnesota Youth Council. Their role as Tri-chairs was to plan agendas, facilitate meetings, prepare the final report and present to the state Legislature in February 2017. The working group met monthly July, 2016 – January, 2017.

Membership

Members were appointed by the state legislature and include the following organizations and associations.

Mark French – Co-Chair

Representing: Minnesota Elementary School Principal's Association (MESPA)

Marika Pfefferkorn – Co-Chair

Representing: Minnesota Education Equity Partnership (MnEEP)

Lupe Thornhill – Co-Chair

Representing: Minnesota Youth Council

Sue Abderholden

Representing: National Alliance of Mental Illness (NAMI) Minnesota

Cheryl Anderson

Representing: American Federation of State, County, and Municipal Employees (AFSCME)

Dawnette Cigrand

Representing: Minnesota School Counselors Association (MSCA)

Matt Cisewski

Representing: Minnesota Association of Charter Schools (MACS)

Greg Cole

Representing: Minnesota Association of Secondary School Principals (MASSP)

Jill Coyle

Representing: Schools for Equity in Education (SEE)

Cristin Craig

Representing: Educators for Excellence (E4E-Minnesota)

Darren Kermes

Representing: Minnesota Administrators for Special Education (MASE)

Allison LaBree-Whittlef

Representing: Education Minnesota (EdMN)

Cathy Miller

Representing: Minnesota School Boards Association (MSBA)

Del Nasari

Representing: Education Minnesota (EdMN)

Sue Nokleby
Representing: School Nurse Organization of Minnesota

Astein Osei
Representing: Association of Metropolitan School Districts (AMSD)

Carol Quinn
Representing: Minnesota School Social Workers Association (MSSWA)

Virginia Richardson
Representing: Parent Advocacy Coalition for Educational Rights (PACER)

Paul Schmitz
Representing: Minnesota Rural Education Association (MREA)

Paul Schnell
Representing: Minnesota Board of Peace Officer Standards and Training

Scott Staska
Representing: Minnesota Association of School Administrators (MASA)

Dan Stewart
Representing: Minnesota Disability Law Center (MDLC)

Marcia Sytsma
Representing: Minnesota School Psychologists Association