



Suspensions and Expulsions Report

Lessons Learned and Next Steps

June 1, 2022



SUSPENSIONS AND EXPULSIONS REPORT



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INTRODUCTION

Minnesota is home to some of the worst racial disparities in the country – in housing, employment, and criminal justice. And when it comes to education, it is no different.

Minnesota has some of the worst opportunity gaps for Black, Indigenous, and other students of color in the nation. In 2019, Minnesota had the largest gap in graduation rates in the country between students of color and white students. Additionally, the Minnesota Department of Education (MDE) reports wide gaps between students of color and white students in math and reading achievement levels.¹

School discipline disparities tell a similar story. In 2017, the Minnesota Department of Human Rights (MDHR) found that schools across the state were suspending and expelling Black, Indigenous, and other students of color, as well as students with disabilities at disproportionately high rates compared to their population in the student body. When schools suspend and expel students, students not only fall behind academically, but they also lose access to critical resources that schools provide, such as mental health services and food support.

A Look at Disparities in Suspensions and Expulsions in Minnesota

Indigenous students were **10 times** more likely to be suspended or expelled than white students.

Black students were **8 times** more likely to be suspended or expelled than white students.

Students with disabilities were **2 times** more likely to be suspended or expelled than students without disabilities.

(2015 – 2016 School Year)

Teachers, principals, and other school staff play vital roles in a student's education and well-being. They care deeply about helping students. Even though school leaders' intentions are to try and help students learn and grow, data reflects that educators are disciplining Black, Indigenous, and other students of color as well as students with disabilities disproportionately. Decades of racist and ableist practices, policies, and learned biases created this reality. No one person is to blame. And we must all work to do better.

Under the Minnesota Human Rights Act, every student in Minnesota has the right to an education that is free from discrimination.

For this reason, beginning in 2017, MDHR entered into three-year legal agreements with 41 school districts and charter schools and monitored the schools' efforts to reduce discipline disparities based on race and disability. This report will focus on how this work began, what was learned, and next steps that educational leaders can take to continue to help make schools positive environments where children can learn and grow.

Most significantly, despite the complexities caused by the COVID-19 pandemic, this three-year effort has helped to push forward policy changes and funding resources for schools seeking to dismantle discipline disparities. The institutional commitment to move this work forward is imperative to ensure that schools provide Black, Indigenous, and other students of color, as well as students with disabilities an education that allows them to thrive and is discrimination-free.





HOW THE WORK TO REDUCE DISCIPLINE DISPARITIES BEGAN

The Minnesota Human Rights Act, the state's civil rights law, prohibits schools from discriminating against students based on their race, disability, and several other protected classes. The Minnesota legislature put these protections into law to help ensure students can thrive and tasked MDHR with enforcing this law.²

Every year, schools throughout Minnesota are required to submit information to the Minnesota Department of Education (MDE) detailing everything from discipline information to graduation rates. In 2017, MDHR reviewed five years of discipline data.

MDHR's analysis focused on evaluating the level of **racial and disability disparities** for discipline issued by educators for subjective student behavior, such as being disruptive, rather than more objective behavior, such as if a student brought a weapon to school.

After this analysis, MDHR identified school districts and charter schools with significant disparities in subjective discipline decisions based on race and disability and entered into settlement agreements with 41 school districts and charter schools in 2017-2018.³

Why focus on subjective reasons?

To help educators better understand how racial and disability biases can inform their decisions, MDHR's work focused on subjective reasons for suspensions and expulsions.

Subjective reasons such as "disruptive behavior" or "verbal abuse" are more ambiguous than objective reasons such as bringing a weapon to school. A subjectation determination allows for ambiguity in the decision-making process, and bias can therefore play a significant role in someone's decision to discipline a student.

By focusing on subjective discipline decisions, districts and charters had the opportunity to intentionally reduce the basis for student discipline that has the highest level of disparities.

Figure A and Figure B show the extent of racial and disability disparities within subjective discipline decisions, and reinforce why MDHR, MDE, and districts and charters placed emphasis on this type of discipline.

Discipline for Subjective Student Behavior by Racial Group

From 2018-2019, **Black, Indigenous, and other students of color** made up a little less than half of the student body, yet they made up almost 80% of discipline issued by school staff for subjective student behavior.⁴

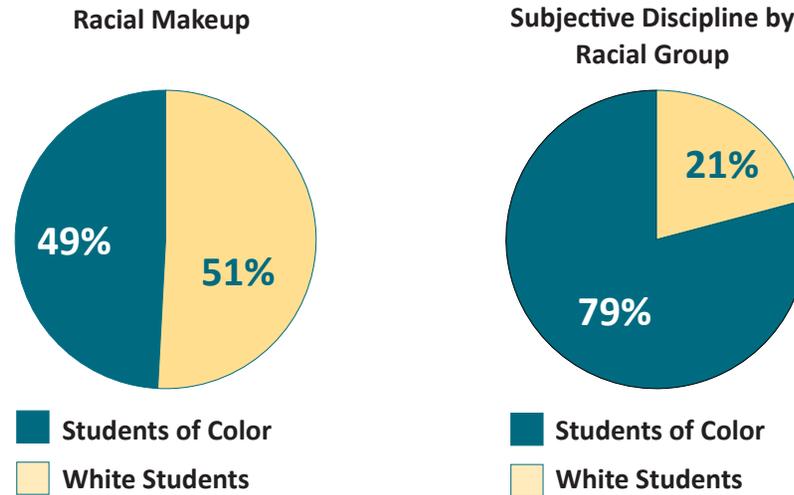


Figure A

Discipline for Subjective Student Behavior by Disability Status

From 2018-2019, **students with disabilities** made up 14% of the student body, yet they experienced almost 60% of all discipline issued by school staff for subjective student behavior.⁵

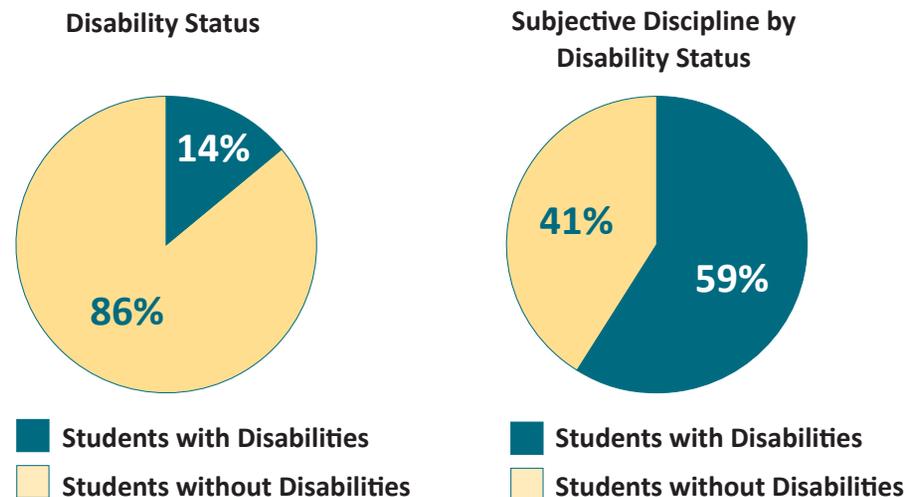


Figure B

HOW RACE AND DISABILITY IMPACT STUDENT DISCIPLINE

Among the schools that entered into settlement agreements with MDHR, a student's race, disability status, and if a student had been previously disciplined were all independently leading factors in determining the likelihood that a school would suspend or expel that student.⁶

Knowing this sheds light on the negative discipline cycle that students can experience. If a child's race and disability make them disproportionately susceptible to being disciplined and a history of past discipline is a leading factor in receiving future discipline, then a child of color with a disability can be quickly caught in a perpetual cycle that prevents them from learning and growing with their peers in the classroom.

School discipline is not the first time Black children, Indigenous children, children of color, and children with disabilities have confronted the effects of discrimination in education. A history of Native American boarding schools, school segregation for children with disabilities, and nation-leading opportunity gaps stain the educational history of children in Minnesota.

Figure C and D help clearly portray the level of school discipline disparities for children of color and children with disabilities.



Discipline Issued for Subjective Behavior by Racial Makeup

From 2018-2019, **Black students made up only 18%** of the total student body, yet they experienced 54% of all suspensions and expulsions issued for subjective student behavior.⁷

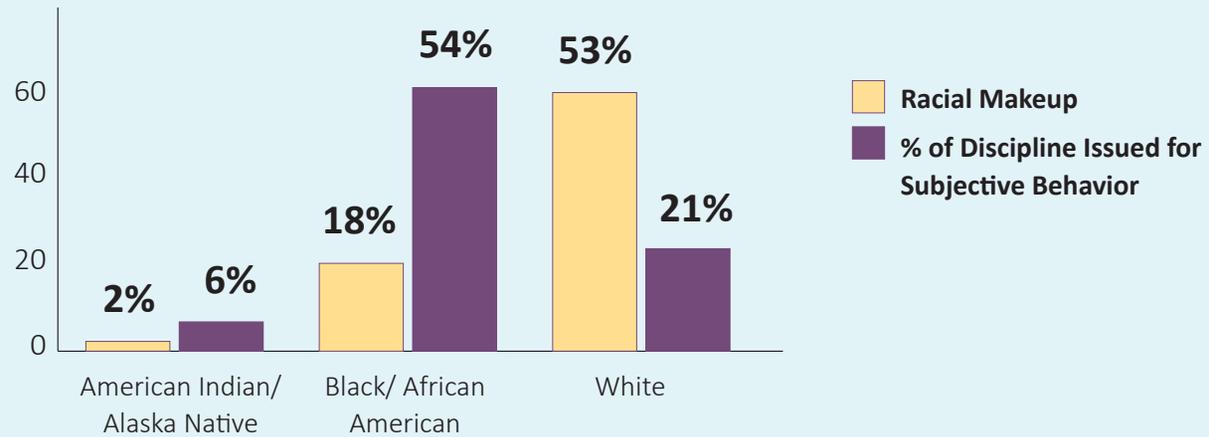


Figure C

Discipline Issued for Subjective Behavior for Students with Disabilities

From 2018-2019, **students with disabilities made up only 14%** of the total student body, yet they experienced almost 60% of all suspensions and expulsions issued for subjective student behavior.

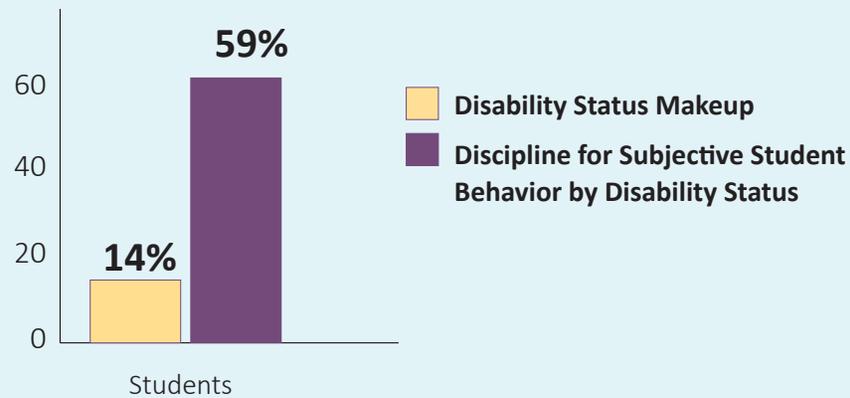


Figure D

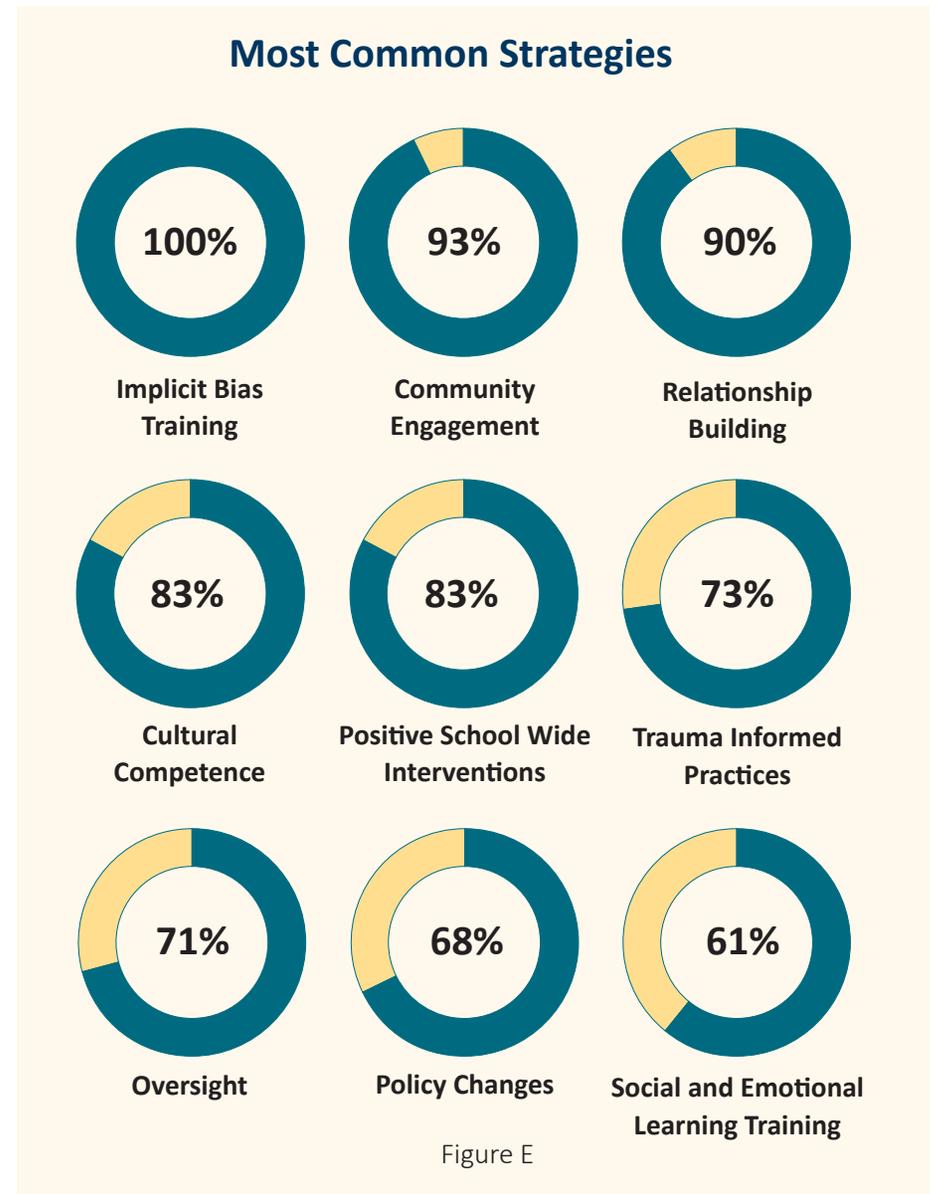
A LOOK AT THE SETTLEMENT AGREEMENTS

The settlement agreements required each school⁸ to develop and implement a school improvement plan to reduce discipline disparities for Black, Indigenous, and other students of color, as well as students with disabilities over three school years.

Because each community is unique, schools developed their own community-specific school improvement plan. The plans looked to address a wide range of aspects of student discipline, ranging from policy, to practice, to implementation. The settlement agreements were in effect for three school years: 2018 – 2019, 2019 – 2020, and 2020 – 2021.

The school improvement plans included a wide range of strategies.

Each school identified several strategies in their improvement plans. Figure E highlights the nine most implemented strategies. Less common strategies included curriculum changes (32%), budget changes (27%), and providing training on the discipline referral process (20%).



While each settlement agreement was unique, all required a core set of similar terms.



School Improvement Plan

Each school developed and implemented their own school improvement plan to reduce discipline disparities.



Track Disaggregated Data

Each school tracked discipline data that school leaders could use to interpret progress and drive continuous improvement efforts.



Submit Progress Reports

Each district and charter submitted progress reports to MDHR, and MDHR’s Education Equity Expert provided tailored feedback.



Participate in Quarterly Meetings

MDHR, MDHR’s Education Equity Expert, and MDE led quarterly meetings for the districts and charters to review data, discuss evidence-based interventions, and identify promising practices. These meetings also provided school leaders with substantive training and support.

List of the School Districts and Charter Schools

- | | |
|--------------------------------------|---|
| Bemidji Area Schools | Mounds View Public Schools |
| Best Academy | North St.Paul - Maplewood - Oakdale ISD 622 |
| Bloomington Public Schools | Onamia Public Schools |
| Brooklyn Center Community Schools | Osseo Area Schools |
| Cass Lake-Bena Public Schools | Prairie Seeds Academy |
| Cloquet Public Schools | Prodeo Academy |
| Columbia Heights Public Schools | Red Lake Schools |
| Dugsi Academy | Richfield Public Schools |
| Duluth Public Schools | Robbinsdale Area Schools |
| Eden Prairie Schools | Rochester Public Schools |
| Edina Public Schools | Rosemount-Apple Valley-Eagan Public Schools |
| Fridley Public Schools | South St. Paul Public Schools |
| Global Academy | St. Cloud Area School District |
| Hinckley-Finlayson Public Schools | St. Francis Area |
| Hopkins Public Schools | St. Louis Park Public Schools |
| Kipp Minnesota | St. Paul City Charter |
| Mankato Area Public Schools | St. Paul Public Schools |
| Mastery School | Wayzata Public Schools |
| Minneapolis Public Schools | Willmar Public Schools |
| Minnesota Transitions Charter School | Winona Area Public Schools |
| Moorhead Area Public Schools | |

QUARTERLY MEETINGS

The quarterly meetings provided space for school leaders to learn about ways to create welcoming and discrimination-free schools and how to shift away from relying on suspensions and expulsions.

During the first year, MDHR and MDE focused on providing education and training. For example, schools reviewed their codes of conduct to help ensure they centered discipline practices and reinforced positive behavior across the school community.

By the second year, MDHR and MDE shifted the approach and purpose of the meetings to focus on building learning environments where the school leaders were better supported in collaborative problem solving. This collaborative approach was particularly important throughout the COVID-19 pandemic as educators, families, and students faced an unprecedented amount of very rapid changes.

Quarterly Meetings Included:

			
Panels	Workshops	Guest Speakers	Listening Sessions

HOW COVID-19 IMPACTED DISCIPLINE DATA

COVID-19 continues to impact students, teachers, parents, and school leaders.

As a result of the pandemic, the way schools supported students changed and continues to change. For example, schools have paused or even stopped programs, some of which were identified in their school improvement plans as they sought to build more inclusive and equitable learning environments.

During the 2019-20 and 2020-21 school years, the way that schools disciplined students also changed because of COVID-19. With many schools operating at varying degrees of remote learning, schools suspended and expelled students less.

COVID-19 also complicates and obscures discipline data analysis.

As a result of changes to the way schools disciplined students throughout COVID-19, school discipline data for almost half of the three-year monitoring period was highly irregular. Therefore, it would be impractical to analyze how discipline decisions have changed over the three-year period. However, this does not diminish the work that school districts completed over the course of their agreements with MDHR, particularly with respect to what lessons were learned from this process.



LESSONS LEARNED

Over the course of their agreements, schools worked to address the discipline disparities within their own school communities. Over the following pages in this report, the lessons learned identify what schools and the state can do to decrease race and disability disparities in school discipline.



What Schools Can Do

- Focus on shifting adult behavior instead of targeting and sometimes criminalizing student behavior
- Provide students with the support they need instead of taking them out of classrooms
- Prohibit the use of suspensions and expulsions for minor, non-violent, and subjective student behavior issues
- Reduce the use of school resource officers when making discipline decisions



What the State Can Do

- Improve how discipline data is collected and published
- Advance state policies that decrease race and disability discipline disparities
- Give schools the support they need

Lessons learned were developed from:



Districts' quarterly discipline data



Advisory Council evaluations and recommendations



Research conducted by education experts

LESSONS LEARNED: WHAT SCHOOLS CAN DO



Focus on shifting adult behavior instead of targeting and sometimes criminalizing student behavior

Educators and school staff can face difficult decisions in deciding whether, when, and how to discipline a student. Currently, most discipline policies and procedures focus almost exclusively on modifying, fixing, or even using language that criminalizes a student’s behavior, rather than addressing how adult responses and decisions impact student discipline. Policies that over-prioritize surveillance and punitive discipline have, in part, resulted in what’s known as the “school-to-prison-pipeline” that disproportionately impacts Black students. As schools work collectively to reduce school discipline disparities based on race and disability, schools should prioritize efforts to support adult decision-makers.

Recommendations:

- Prioritize educator training that focuses on building capacities and skills such as social and emotional learning, positive behavior interventions and supports, anti-bias education, and non-exclusionary discipline.
- Ensure professional development is reinforced with consistent coaching for educators.
- Prohibit the use of criminalizing language (e.g. calling a child an “offender”) in policies and procedural guidance and practice.



Provide students with the support they need instead of taking them out of the classroom

Punitive discipline policies and practices that rely heavily on shame and exclusion are harmful. Students must have access to not only teaching and learning but also to critical resources that schools provide, such as mental health services and food support.

Ultimately, when educators suspend and expel students, it is overall harmful to all students and is especially harmful to Black, Indigenous, and other students of color, as well as students with disabilities. Overly punitive discipline policies also present barriers for educators who prioritize measures that are more developmentally appropriate, culturally relevant, restorative, and supportive.⁹

Recommendations:

- Eliminate or restrict the use of zero tolerance policies, strict three-strike policies, or policies that require mandatory minimum punishments.
- Prioritize the use of evidence-based practices for students with and without disabilities that support their emotional and behavioral development.
- Ensure discipline policies and procedures clearly communicate expectations for exclusionary practices, such as only permitting suspension as a last resort, after educators offer students evidence-based supports.



Prohibit the use of suspensions and expulsions for minor, non-violent, and subjective student behavior issues

Research demonstrates that suspending and expelling students for subjective behavior issues does not improve outcomes for students who remain in the classroom.¹⁰ In fact, the opposite is true, everyone does better in diverse and inclusive learning environments.

Recommendations:

- Eliminate the use of vague and subjective language in discipline policies and procedures, both for how student behaviors are defined, as well as how educators are instructed to respond.
- Use coaching and training to support educator's abilities to address child behavioral concerns inside the classroom for situations that are minor, nonviolent, and subjective.
- Regularly review discipline data and closely examine how and to what extent exclusionary discipline is used to respond to minor, non-violent or subjective behavior concerns.

Reduce the use of school resource officers when making discipline decisions

During the 2019 school year in Minnesota, 11% of enrolled students were Black, and 1.6% were American Indian. However, these students respectively represented 18% and 5% of students referred to law enforcement through the school discipline process.¹¹

Research demonstrates that receiving a referral to law enforcement increases a student's likelihood that a student is held back a grade level, drops out, enters the criminal justice system, and experiences long term adverse health impacts.¹² Recognizing this, over the course of the settlement agreements, at least six districts reported that they changed how they utilized school resource officers.

Recommendations:

- Develop, regularly review, and publish policies regarding the use of school resource officers based on best practices in school safety, social emotional learning, conflict resolution, discipline, use of force, and tactical de-escalation.
- Regularly evaluate the implementation and impact of how and when school resource officers are used in responding to student behavior and discipline.
- Ensure policies and procedures stress officers should not be involved in addressing behavior that is not criminal, and that a citation, arrest, or detention of a student shall be used only as a measure of last resort.¹³



LESSONS LEARNED: WHAT THE STATE CAN DO



Improve how discipline data is collected and published

The state can improve its ability to collect discipline data so that it provides a more holistic picture of how suspensions and expulsions are used in Minnesota. For instance, there is no clear definition for disruptive, disorderly, or insubordinate behavior. This means educators are left without clear guidance on how and when to use this category when documenting the basis for student discipline. It also means the use of this category is inconsistent even between individual decision makers within the same school. Schools that entered into agreements with MDHR shared that clear definitions are a top priority in order for schools and the state to better understand and address the root causes of discipline disparities.

Recommendations:

- Clarify and simplify reporting in a manner that fosters greater alignment of state, local, and federal reporting requirements.
- Adopt the recommendations of school leaders, MDE, and MDHR for appropriate and consistent definitions of categories of student behavior that serve as the basis for discipline. Provide training and guidance to ensure both reporting accuracy and to share best practices with how to analyze and interpret discipline data.
- Provide educators and community members with accessible discipline data that is easy to understand. Data reports should be interactive and identify trends in the type of behavioral misconduct reported, the type of disciplinary action taken, the duration of discipline, and student demographic data such as: race/ethnicity, disability, gender, age, grade level, income, English proficiency, foster care status, homelessness status, and military family status.



Advance state policies that decrease race and disability discipline disparities

Schools that entered into agreements with MDHR affirmed that suspensions and expulsions are overall both ineffective in creating a safe and positive learning environment and disproportionality and negatively impact Black, Indigenous, and other students of color, as well as students with disabilities. The state should advance a comprehensive package of legislation that supports more inclusive and welcoming school environments to intentionally decrease race and disability discipline disparities for Minnesota students.

Recommendations:

- Prohibit the use of suspensions and expulsions for pre-kindergarten through third grade.
- Prohibit the use of suspensions or expulsions due to attendance or truancy.
- Limit discipline for victims of discrimination and harassment.

These recommendations were included in the Governor and Lieutenant Governor's 2022 education policy agenda.



Give schools the support they need

The state can continue to support its work to end disparities by working in collaboration with schools, educators, students, families, other agencies, community organizations, and national experts to develop effective guidance, parameters, and frameworks for creating school climates that are inclusive and equitable. To ensure schools have the support they need, continued investments in the work is essential.

Recommendations:

- Provide districts and schools with the resources they need to enact these learnings within their own context. Prioritize support for districts who exhibit the largest discipline disparities.
- Build the capacity of MDE to approach this work through professional development and staffing.

NEXT STEPS

With the conclusion of the schools' three-year settlement agreements, the Minnesota Department of Human Rights is thrilled to see increased attention, commitment, and investment into ending discipline disparities. Important work remains to ensure every student in Minnesota has access to a high-quality education, free from discrimination. The Minnesota Department of Education is prepared to continue this work by offering funding and technical support for schools. The institutional commitment to move this work forward is imperative to ensure that schools provide Black, Indigenous, and other students of color, as well as students with disabilities an education that allows them to thrive.



\$7.79 Million in Targeted Support by MDE



Grants to support schools

MDE will distribute the majority of an existing \$7.79 million in funding as grants to train and implement anti-bias education, trauma informed learning, and evidence-based non-exclusionary discipline practices. MDE will prioritize funding for the districts and charter schools that entered into agreements with MDHR, other districts with demonstrated need based on data showing disparities in discipline practices, and districts that have populations of traditionally underserved students.



Increased support

MDE is also hiring staff to conduct training and technical support for grantees. This team will additionally provide statewide support to districts and charters to help revise school discipline policies and procedures; develop professional development plans, and support schools with implementation and evaluation.

Innovative Guidance by MDE



School Climate Transformation

The MDE school climate center is leveraging the federal school climate transformation grant to help improve school climates and address comprehensive mental health. The center's existing resources include 14 social emotional learning modules for educators and schools/districts, annual trainings, coaching on implementation, a webpage on [restorative practices](#), and regularly updated guidance to support schools in reviewing and revising policies and procedures related to discipline, gender inclusion, and bullying prevention.



Improved data collection

This year, MDE revised the Disciplinary Incident Reporting System (DIRS), which will result in higher quality data by better aligning state and federal reporting requirements, building shared language, and facilitating consistency across and within districts. MDE will continue to improve data collection to ensure stakeholders have access to reliable and actionable data.



Legal Framework

MDE provides helpful, general information to the public about the legal framework of discipline in Minnesota's public schools. The framework provides a basic overview of the federal Individuals with Disabilities Education Act (IDEA), including its implementing regulations, and the Minnesota Pupil Fair Dismissal Act (PFDA).

CITATIONS

- 1 Minnesota Department of Education Report Card Minnesota Report Card. (n.d.) Test Achievement Levels, Test Results and Participation: How are students performing on standards?: 2020 Retrieved 12/16/2021 from https://rc.education.mn.gov/#assessmentsParticipation/orgId--999999000000__groupType--state__test--allAccount__subject--M__accountabilityFlg--FOC_NONE__year--trend__grade--all__p--20
- 2 Minn. Stat. 363A.01
- 3 Ultimately, an additional school district entered into a settlement agreement with MDHR midway through the three-year period bringing the settlement to 42 total.
- 4 Data from Figures A, B, C, and D represent 33 of the school districts that entered into settlement agreements and had sufficient student racial make-up and students with disability data points for the analysis.
- 5 Figures A, B, and C were designed and constructed by Play for Change using publicly available DIRS data from the Minnesota Department of Education
- 6 Regional Education Laboratory Midwest. (2021). The Effect of Discipline Reform Plans on Exclusionary Discipline Outcomes in Minnesota, Appendix B.
- 7 Asian/Pacific Islander, Hispanic/Latino, and multi-racial students are included in the overall data for students of color, however, are not highlighted in this chart.
- 8 Throughout this report, MDHR refers to “school districts and charter schools” as “schools.”
- 9 Gregory, A., Clawson, K., Davis, A., & Gerwitz, J. (2014). The Promise of Restorative Practices to Transform Teacher Student Relationships and Achieve Equity in School Discipline. *Journal of Educational and Psychological Consultation*.
- 10 American Psychological Association Zero Tolerance Task Force. (2008). Are zero tolerance policies effective in the schools? An evidentiary review and recommendations. *American Psychologist*, 63, 852-862
- 11 Minnesota Department of Education Report Card. (n.d.) Referrals to Law Enforcement: How often are students referred to law enforcement? 2020 Retrieved 12/16/2021 from https://rc.education.mn.gov/#lawEnforcementReferrals/orgId--999999000000__groupType--state__year--2019__p--b
- 12 Juvonen, J., Kogachi, K., & Graham, S. (2018). When and how do students benefit from ethnic diversity in middle school?. *Child development*, 89(4), 1268-1282.
- 13 Cohen, D. R., Lewis, C., Eddy, C. L., Henry, L., Hodgson, C., Huang, F. L., & Herman, K. C. (2020). In-School and Out-of-School Suspension: Behavioral and Psychological Outcomes in a Predominately Black Sample of Middle School Students. *School Psychology Review*, 1-14.



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Upon request, this information can be made available
in alternative formats for individuals with disabilities by
emailing info.MDHR@state.mn.us or calling **651.539.1100**.