

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

T.B., a minor, by and through his parent and natural guardian, Ashley Bursch, Jquan Fuller-Rueschman, by and through his guardians, David and Dennis Fuller-Rueschman, D.S., a minor, by and through his parent and natural guardian, Latrice Williams, F.B., a minor, by and through her parent and natural guardian, Tonya Coleman, D.J., a minor, by and through her parents and natural guardians, Juanedra Jenkins and Latrone Woods, and Z.P., a minor, by and through his parents and natural guardians, Amanda and Jason Peterson,

Plaintiffs,

v.

Independent School District No. 112, a/k/a
Eastern Carver County Schools

Defendant.

Case No.: 19-CV-2414 (MJD/BRT)

**STIPULATION FOR CONSENT
DECREE AND ORDER FOR
FOR NON-MONETARY RELIEF**

WHEREAS on September 3, 2019, Plaintiffs filed this lawsuit against Defendant alleging violations of Plaintiffs' rights secured under the Fourteenth Amendment of the United States Constitution, 42 U.S.C. § 1983, Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d ("Title VI"), and the Minnesota Human Rights Act, § 363A.03 *et seq.* ("MHRA"). The allegations are detailed in the Complaint referenced as *T.B. et al. v. Independent School District No. 112*. (Doc. 1.) In addition to monetary relief, Plaintiffs seek certain non-monetary declarative and injunctive relief. Defendant denied each allegation and filed an Answer on September 24, 2019. (Doc. 7.)

WHEREAS, Defendant denies any violation of the Fourteenth Amendment, Title VII, and the MHRA, or any other state or federal law and denies all liability for any alleged statutory or regulatory violation, by Defendant or any of its employees, agents, or School Board members;

WHEREAS in the interest of preserving the Parties' resources and avoiding the time and expense of further litigation, and without admitting any liability to each other, one of the Plaintiffs—D.J., by and through her parent and legal guardian—has reached an agreement with Defendant regarding non-monetary relief. Plaintiff D.J. and Defendant (the "Parties") submitted to this Court for approval a Stipulated Consent Decree. (Doc. No. ____.)

The Stipulated Consent Decree arises out of the good-faith efforts of Plaintiff D.J. ("Plaintiff") and Defendant to resolve the non-monetary relief demanded by Plaintiff. Plaintiff and Defendant have jointly entered into the Stipulated Consent Decree, and the Parties agree to comply with its terms.

DEFINITIONS

A. The terms School District and Defendant are interchangeable when used in this Agreement and mean Independent School District No. 112.

B. The term School District personnel when used in this Agreement means all persons employed by the School District.

C. The term School District students when used in this Agreement means all students enrolled in the School District.

D. The terms minority or minorities when used in this Agreement means those persons who identify as part of a group or groups historically disadvantaged in comparison to societal majority-dominant groups with respect to their race, sex, gender identity, religion, national origin, disability, or sexual orientation.

E. With respect to the written policies discussed herein, race-based harassment, bullying, or discrimination shall be defined to include any physical or verbal conduct, including, but not limited to, electronic communications, relating to race which (a) has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment for School District students and/or School District personnel; (b) has the purpose or effect of substantially or unreasonably interfering with the work or academic performance of School District students and/or School District personnel; or (c) otherwise adversely affects employment or educational opportunities within the School District for School District students and/or School District personnel. The policies shall identify examples of race-based harassment, bullying, or discrimination, including but not limited to the following:

- a. Unwelcome verbal harassment or abuse, including teasing, joking, or making derogatory or dehumanizing remarks;
- b. Displaying offensive pictures, posters, apparel and accessories, or other graphics;
- c. Threats or actions related to an individual's race, religion, or ethnic heritage;

- d. Unwelcome physical contact, other than necessary restraint of pupil(s) by teachers, administrators, or other school personnel to avoid physical harm to persons or property; and
 - e. Physical violence or abuse.
- F. The primary purpose of this Consent Decree is to address race-based harassment. Accordingly, for purposes of this Consent Decree, the use of the term “harassment” means race-based harassment, as defined *supra* paragraph E.

GENERAL PROVISIONS

1. This Court has jurisdiction over the subject matter of this case and over the Parties.
2. Venue is proper under 28 U.S.C. § 1391.
3. The Complaint states claims upon which relief may be granted against Defendant under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, the Minnesota Human Rights Act, Minn. Stat. § 343A.03 *et seq.*, and the Fourteenth Amendment to the United States Constitution pursuant to 42 U.S.C. § 1983.
4. Defendant makes no admissions to the allegations in the Complaint, other than jurisdiction. This Stipulated Consent Decree shall not constitute an admission of liability by Defendant, and shall not be admissible in evidence other than in an action to enforce the Stipulated Consent Decree.

POLICIES, PROCEDURES, AND PRACTICES

5. Defendant currently utilizes the model policies drafted and maintained by the Minnesota School Boards Association at the direction of the Minnesota Legislature, which includes policies that address race-based harassment, bullying, and discrimination. *See* Minn. Stat. 121A.031. Notwithstanding Defendant's use of the model policies, for the purposes of this Consent Decree, Defendant will take the following actions with respect to its policies, procedures, and practices.

6. Defendant shall maintain one or more policies prohibiting race-based harassment, bullying, and discrimination designed to maintain a learning and working environment free from race-based harassment, bullying, and discrimination. The policies shall apply to both School District students and School District personnel. The District is currently working on certain revisions to its policies prohibiting race-based harassment and will engage legal counsel and its Director of Equity and Inclusion to review and recommend revisions before such policies are approved and implemented by Defendant. The policies shall be implemented no later than the start of classes for the 2022-2023 school year.

7. For the purposes of this Consent Decree, the policies encompassed by the preceding paragraph that shall be reviewed or are in the process of being reviewed include the following (the "Applicable Policies"): Policy 413 (Harassment and Violence Prohibition Policy) and Policy 514 (Bullying Prohibition Policy).

8. The Applicable Policies shall include the following items and, to ensure that the language in the Applicable Policies is current and reflective of the School District students' needs, Defendant shall review the Applicable policies: (1) on an annual basis; or (2) within 90 days of any change in applicable law, whichever is earlier. Such annual review shall be accomplished by the School Board and Superintendent, with the assistance of legal counsel. The Superintendent shall also review the Applicable policies within 90 days of any student expulsion or out-of-school suspension for race-based harassment, bullying, or discrimination. .

- a. Adding all of the terms and definitions set forth in the Definitions Section of this Consent Decree;
- b. Written guidance providing examples of the types of harassment prohibited by the District's policies, including harassment that occurs over social media, to the extent that it materially interferes with school-sponsored activities or the learning environment or invades the rights of other students, and to the extent that the District has knowledge of the social media activity;
- c. A requirement that District personnel investigate, address, respond appropriately to, and document every harassment incident, whether reported (verbally or in writing) by the harassed student, a witness, a parent, or any other individual; observed by any District personnel; or brought to the District's attention by any other means;

- d. Adding the contact information, including the physical address, phone number and email address, for the District's Human Rights Officer(s);
- e. A protocol for (i) when an incident or series of incidents of harassment of a particular student or group of students rises to a level of severity or persistence requiring District staff to notify the parent(s)/guardian(s) of the harassed student(s), ensuring that the individual notifying parents/guardians of the harassment is sensitive to any personal concerns of the student in discussing the basis/bases of the harassment with the harassed student's parent/guardian, and (ii) when an incident or series of incidents of harassment by a particular student or group of students rises to a level of severity or persistence requiring District staff to notify the parent/guardian of the harassing student(s);
- f. A requirement that the District mandate electronic tracking of all harassment incidents, including any written or verbal report, discipline referral, or complaint involving possible race-based harassment, and that the tracking includes: relevant information related to the student harassed; the person reporting the harassment (if different than the student harassed); the alleged harasser; all known witnesses to the alleged incident(s); specific details on the date(s), time(s), nature, content, and location(s) of the harassment incident(s);

the date the complaint or other report was made; the date the alleged harasser was interviewed; a brief summary of the investigating officials' findings and the basis for those findings (consistent with the District's current practice and subject to any recommendations of the Human Rights Officer(s)); and the District's response to the incident; except that for incidents involving no identified student target(s), the District will develop a district-wide system for tracking the frequency of each incident, including, for example, taking a photo or otherwise recording the date and location of the incident in a matter that can then be sent for tracking and investigation purposes to the Human Rights Officer(s), as appropriate. The electronic tracking system shall be in place no later than January 1, 2023. In no instance will tracking of any reported harassment incident be discretionary, and personnel who fail to abide by this policy will be subject to discipline;

- g. A requirement that any supporting written documentation related to any harassment incident be maintained for the duration of this Consent Decree, or a longer period of time if required by law, including but not limited to: any written report or complaint; interview notes; any written statements of the student(s) harassed and/or person(s) reporting the harassment; any records of correspondence with the parent(s) or guardian(s) of the student(s) harassed and the

alleged harasser(s) or his or her parents or guardian(s) regarding the incident; and existing documentation of any prior incidents of discrimination or harassment involving the student(s) subject to harassment or the alleged harasser(s).

9. The Applicable Policies shall outline the reporting procedures for individuals who believe they have been the target or victim of race-based harassment, bullying, or discrimination. Defendant's policies shall permit an individual to anonymously report conduct which may constitute race-based harassment, bullying, or discrimination. Defendant's policies shall include a form to make anonymous reports. Defendant shall be obligated to fully investigate, to the extent reasonably possible, and respond to all reports regardless of whether the harassed person or harasser is named. Where names are insufficient to identify a specific student or group of students involved, Defendant shall discuss whether group training or lessons are appropriate and take steps to implement group training or lessons if appropriate, depending on the information obtained. Defendant shall accept formal or informal and verbal or written reports. If, in order to make report, a School District student misses class, that out-of-class time shall not contribute to any truancy citation. Defendant shall require all School District personnel to complete annual training to ensure that they are aware of these policies.

10. The race-based harassment, bullying, and discrimination policies shall clearly identify the range of potential disciplinary action(s) which may be taken against a student or staff member in response to race-based harassment, bullying, or discrimination.

These policies shall also identify the range of potential disciplinary action(s) which may be taken against School District personnel who are on reasonable notice of a violation or potential violation of such policies but fail to report or respond to (including fully investigating and documenting) a complaint of race-based harassment, bullying, or discrimination.

11. The Applicable Policies shall be widely accessible to the public through Defendant's website, included in Defendant's handbooks provided to students and parents at the beginning each school year, and posted throughout each of the Defendant's buildings.

12. At least once annually, Defendant shall distribute to all enrolled students and their parents/guardians and to all current School District personnel the Applicable Policies. All students, parents/guardians, and School District personnel will be required to read each policy and acknowledge that they understand and will follow each policy.

13. The Applicable Policies shall be implemented by the start of the 2022-2023 school year, but nothing herein prevents Defendant from implementing these policies earlier as it is able.

STUDENT MENTAL HEALTH

14. Starting in the 2022-2023 school year, School District counselors and social workers shall receive training regarding mental health issues related to race-based harassment, bullying, and discrimination.

15. School District personnel who have received professional training to assist School District students experiencing mental health issues related to race-based

harassment, bullying, or discrimination shall be readily accessible to students during school hours. The time a School District student spends seeking or receiving in-school assistance for mental health issues related to race-based harassment, bullying, or discrimination, shall not contribute to any truancy citation.

16. School District personnel will include counselors and social workers that have received training on race-based and culture-relevant strategies on how to respond to and support students who are experiencing mental health issues related to race-based harassment, bullying or discrimination.

17. All School District staff will receive racial harm protocol training so that staff can respond immediately to student concerns and will be informed on how to listen to students and to help and support students process any race-based harassment, bullying or discrimination.

TRAINING AND PROFESSIONAL DEVELOPMENT

18. Notwithstanding Defendant's prior training and instruction to School District personnel and students, Defendant will take the following actions with respect to its training and professional development.

19. The District shall provide, in advance of the first day of each school year, a mandatory Defendant-developed equity, implicit bias, and inclusive practices training to all School District personnel. The trainings shall include, but are not limited to:

- a. Age-appropriate instruction on the type of conduct that constitutes harassment, specifically addressing examples of race-based harassment, and

- a discussion about the negative impact that such harassment has on students, employees, and the educational environment;
- b. Implicit bias, including but not limited to harassment carried out through coded words and acts;
 - c. Transformative leadership training in the diversity, equity, inclusion, and accessibility space, which should emphasize the goal of preventing incidents of race-based discrimination, harassment, and bullying from occurring, rather than reacting to such incidents as these incidents occur;
 - d. The requirement of investigation, mandatory documentation, and electronic tracking as discussed in paragraph 8 *supra.*;
 - e. Identifying practices or reactions that could result in the minimization of reports of harassment or victim-blaming, even if not intended or overt;
 - f. Guidance on steps to foster a nondiscriminatory educational environment;
 - g. A review of the harassment and bullying policies and procedures with emphasis on the District's and its employees' responsibility to respond to all harassment and bullying, and to take effective action to end harassment and bullying, prevent its recurrence, and as appropriate, remedy its effects;
 - h. Identification of designated staff at each school and the District who are available to answer questions or address concerns regarding the harassment and bullying policies and procedures or other issues related to harassment and bullying; and

- i. Defendant shall schedule additional building-specific equity trainings as recommended by Defendant's building-level equity advisory teams identified in Paragraph 23.
20. The District shall provide on an annual basis, a mandatory, age-appropriate, and Defendant-developed anti-harassment and anti-bullying training to all students. Such instruction shall be designed to promote an inclusive and safe educational environment for all students, including issues related to the prevention of race-based bullying, harassment, and discrimination, including bullying and harassment that occurs over social media (to the extent that it materially interferes with school-sponsored activities or the learning environment or invades the rights of other students, and to the extent that the District has knowledge of the social media activity) or through coded language. Defendant shall schedule additional building-specific student trainings as recommended by Defendant's building-level equity advisory teams identified in Paragraph 23.
21. Starting in the 2022-2023 school year, Defendant will provide training regarding conducting investigations related to race-based harassment, bullying complaints and issues to all School District personnel who will be responsible for investigating complaints.
22. At least once annually, Defendant shall solicit input and recommendations from parents/guardians of School District students and School District personnel regarding ways to improve the mandatory training and professional development referenced in Paragraphs 19 and 20.

23. Defendant shall operate building-level equity advisory teams comprised of, at minimum, five building-level staff members, one of whom shall be the Principal, who will evaluate at least once each academic year the building-level implementation of Defendant's discrimination, bullying, and harassment policies, practices, and procedures. The equity advisory teams shall report the results of their reviews in writing to Defendant's Superintendent and Director of Equity and Inclusion or equivalent roles. Each report shall state the date of the meeting, the names of the team members who attended, the documents reviewed, the conclusions reached, the rationale for those conclusions, and any recommendations for building-specific equity and inclusion trainings. Documents reviewed shall include but not be limited to all documentation that tracked harassment and bullying incidents and responses within a school for the year. Additionally, each equity advisory team will have written, measurable goals that will be shared with the Director of Equity and Inclusion and with the Superintendent. The Director of Equity and Inclusion and Superintendent will provide feedback and support to the Principal and each equity advisory team in order to ensure that goals are being met.

24. Defendant's Superintendent and Director of Equity and Inclusion shall take the recommendations identified in the above paragraph and will assess whether and how the recommendations may be implemented in upcoming school year(s).

25. The Equity Advisory Council, which comprises School District personnel, students and parents, will be structured such that a School District board member is part of

this group and present at meetings. The Equity Advisory Council will provide recommendations to Defendant.

CURRICULUM, PROGRAMS, AND ACTIVITIES

26. Defendant shall conduct an thorough internal review of its K-12 curriculum and take steps, where appropriate and consistent with state-mandated standards, to incorporate additional resources which represent a pluralistic society and reflect contributions made by groups and individuals from diverse backgrounds. In collaboration with the School District's department of teaching and learning and the office of equity and inclusion, these efforts shall commence in the 2022-2023 school year with a review of Defendant's secondary (high school level) Social Studies which includes U.S. History/Government, and English Language Arts course curricula. Thereafter, as budgetary and other considerations permit, Defendant shall comprehensively review course curricula in other relevant academic subject areas and at additional grade levels.

27. Defendant shall also conduct a comprehensive review of the School District's instructional strategies which will include training the School District's instructional coaches and teacher leaders to review the processes that are in their buildings and School District cross-departmental collaboration that will include the Department of Teaching and Learning, Department of Equity, and Special Education.

28. Defendant shall also seek input from School District parents and students of color, and the District's equity teams regarding curriculum, events and activities that celebrate diverse cultural heritage.

29. Defendant shall provide for and promote in-school or after-school events in its schools focusing on equity and inclusion.

30. Defendant shall recognize diverse cultural heritage with programs, events, or classes that celebrate diverse historic figures, principles, and movements.

31. Defendant shall continue to administer anonymous student surveys for students in Grades 6-12 and will do so once per school year. The Defendant shall ensure that the survey includes questions regarding race-based bullying and harassment and share the results with the school-level equity advisory teams set forth in Paragraph 23, in order to identify any adjustment to the trainings set forth in Paragraphs 18 and 19 or other appropriate remedial measures. Principals in each school shall review anonymous survey results and report any references to race-based harassment, bullying, or discrimination to the District.

32. With respect to Paragraphs 25-30, Defendant shall incorporate the referenced curriculum, programs, training, events, and classes responsibly and in a way that does not purposefully draw unwanted attention to any specific student of color within the district.

STAFF DIVERSITY

33. Consistent with Minn. Stat. § 122A.40 and applicable collective bargaining agreements, Defendant shall take lawful steps to increase recruitment, hiring, promotion, and retention of School District personnel, including administrators and counselors, who identify as minorities.

34. Defendant shall post job vacancies on its website, and in other sources or publications that reach minority populations, including student affinity groups at national, state and local colleges or universities that are focused on training educators.

35. Defendant shall attempt to provide diverse perspectives with respect to staff and parents on the interview committees in order to have multiple perspectives represented during the interview process.

36. Defendant shall create and maintain affinity groups for its staff as necessary, including staff of color. Defendant will ensure that all staff is made aware of said affinity groups.

37. Defendant shall direct high school career counselors to develop programming to encourage minority students to enter the teaching profession.

38. On an annual basis for the term of this Decree, Defendant shall review its efforts to retain minority teachers, and identify and implement best practices to improve and support its minority teacher retention rates.

RETENTION OF JURISDICTION AND ENFORCEMENT

39. This Court shall retain jurisdiction over all matters relating to the implementation and enforcement of the Consent Decree.

40. This Consent Decree shall take effect immediately upon being enacted, unless otherwise specified, and shall remain in effect until Defendant has complied with Paragraphs 5 to 38 for three (3) consecutive, full school years, at which time the Consent Decree shall automatically terminate. Defendant may, however, move for termination of

the Consent Decree before its automatic expiration if Defendant demonstrates it has substantially complied with the Consent Decree.

MISCELLANEOUS PROVISIONS

41. Failure by a Party to enforce any provision of the Consent Decree will not be construed as a waiver of the Party's right to enforce other provisions of the Consent Decree.

42. Terms of this Consent Decree shall be binding upon the Parties hereto, their agents, their successors-in-interest and their assigns.

43. If any provision of this Consent Decree is declared void or unenforceable by any court of competent jurisdiction, for any reason, the remainder of the Consent Decree shall remain in full force and effect.

44. All undersigned counsel of record for the Parties has the authority to enter into and execute this Consent Decree on behalf of the Parties to this Agreement.

45. This Consent Decree constitutes a court order authorizing Defendant to disclose information protected by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g(b)(2)(B), the MHRA, and the Minnesota Government Data Practices Act ("MGDPA"), Minn. Stat. § 13.01 *et seq.* for the purpose of effectuating this Consent Decree.

46. Each entity or individual receiving information protected by FERPA or the MGDPA pursuant to Paragraph 45 shall enter into a confidentiality agreement with Defendant prior to receiving such record(s), consistent with 20 U.S.C. § 1232g(b)(4)(B).

The Court has reviewed the provisions of this Consent Decree, and finding them fair, just and reasonable, and good cause appearing therefore adopts the Consent Decree as the Order of the Court. All Orders not inconsistent herewith remain in full force and effect.

It is therefore ORDERED that the provisions of the Consent Decree become the Order of this Court and this Court shall retain jurisdiction over this case until further Order of the Court.

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to societal majority-dominant groups with respect to their race, sex, gender identity, religion, national origin, disability, or sexual orientation.

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bullying, or discrimination ~~policies in Paragraph 5 shall be defined to include any physical or verbal conduct.~~

a. ~~Adding all of the terms and definitions set forth in the Definitions Section of this Consent Decree;~~

b. ~~Written guidance providing examples of the types of harassment prohibited by the District's policies, including, but not limited to, electronic communications, relating to race which (a) has the purpose or effect of creating an intimidating, hostile, or offensive working harassment that occurs over social media, to the extent that it materially interferes with school-sponsored activities, or academiethel learning environment for School District or invades the rights of other students and/or School, and to the extent that the District has knowledge of the social media activity;~~

6. ~~A requirement that District personnel; (b) has the purpose investigate, address, respond appropriately to, and document every harassment incident, whether reported (verbally or effect of~~

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c. ~~substantially~~in writing) by the harassed student, a witness, a parent, or unreasonably interfering with the work or academic performance of ~~School District students and/or School~~any other individual; observed

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by any District personnel; or ~~(e) otherwise adversely affects employment~~brought to the District's attention by any other means;

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d. Adding the contact information, including the physical address, phone number and email address, for the District's Human Rights Officer(s);

e. A protocol for (i) when an incident or series of incidents of harassment of a particular student or group of students rises to a level of severity,

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or ~~academic opportunities within the School~~persistence requiring

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District ~~for School~~staff to notify the parent(s)/guardian(s) of the harassed student(s), ensuring that the individual notifying

parents/guardians of the harassment is sensitive to any personal concerns of the student in discussing the basis/bases of the harassment

with the harassed student's parent/guardian, and (ii) when an incident or series of incidents of harassment by a particular student or group of

students rises to a level of severity or persistence requiring District

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~~students and/or School~~staff to notify the parent/guardian of the harassing student(s);

f. A requirement that the District personnel mandate electronic tracking*

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of all harassment incidents, including any written or verbal report,

discipline referral, or complaint involving possible race-based

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harassment, and that the tracking includes: relevant information

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related to the student harassed; the person reporting the harassment (if different than the student harassed); the alleged harasser; all known witnesses to the alleged incident(s); specific details on the date(s), time(s), nature, content, and location(s) of the harassment incident(s); the date the complaint or other report was made; the date the alleged harasser was interviewed; a brief summary of the investigating officials' findings and the basis for those findings (consistent with the District's current practice and subject to any recommendations of the Human Rights Officer(s)); and the District's response to the incident; except that for incidents involving no identified student target(s), the District will develop a district-wide system for tracking the frequency of each incident, including, for example, taking a photo or otherwise recording the date and location of the incident in a manner that can then be sent for tracking and investigation purposes to the Human Rights Officer(s), as appropriate. The electronic tracking system shall be in place no later than January 1, 2023. In no instance will tracking of any reported harassment incident be discretionary, and personnel who fail to abide by this policy will be subject to discipline;

g. The policies identified in Paragraph 5 hereinA requirement that any supporting written documentation related to any harassment incident be maintained for the duration of this Consent Decree, or a longer period of time if required by law, including but not limited to: any written report or complaint; interview notes; any written statements of

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the student(s) harassed and/or person(s) reporting the harassment; any records of correspondence with the parent(s) or guardian(s) of the student(s) harassed and the alleged harasser(s) or his or her parents or guardian(s) regarding the incident; and existing documentation of any prior incidents of discrimination or harassment involving the student(s) subject to harassment or the alleged harasser(s).

7-9. The Applicable Policies shall outline the reporting procedures for individuals* who believe they have been the target or victim of race-based harassment, bullying, or discrimination. Defendant's policies shall permit an individual to anonymously report conduct which may constitute race-based harassment, bullying, or discrimination.

Defendant's policies shall include a form to make anonymous reports. Defendant shall be obligated to fully investigate, to the extent reasonably possible, and respond to all reports regardless of whether the harassed person or harasser is named. Where names are insufficient to identify a specific student or group of students involved, Defendant shall discuss whether group training or lessons are appropriate and take steps to implement group training or lessons if appropriate, depending on the information obtained. Defendant shall accept formal or informal and verbal or written reports. If, in order to make report, a School District student misses class, that out-of-class time shall not contribute to any truancy citation. Defendant shall require all School District personnel to complete annual training to ensure that they are aware of these policies.

8-10. The race-based harassment, bullying, and discrimination policies shall clearly identify the range of potential disciplinary action(s) which may be taken against a student or staff member in response to race-based harassment, bullying, or discrimination.

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These policies shall also identify the range of potential disciplinary action(s) which may be taken against School District personnel who are on reasonable notice of a violation or potential violation of such policies but fail to report or respond to (including fully investigating and documenting) a complaint of race-based harassment, bullying, or discrimination.

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~~9. — At least once annually, Defendant shall review and, as appropriate, revise for compliance with state and federal law the policies, practices, and procedures identified in Paragraph 5.~~

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~~10.11.~~ The ~~policies identified in Paragraph 5~~Applicable Policies shall be widely accessible to the public through Defendant's website, included in Defendant's handbooks provided to students and parents at the beginning each school year, and posted throughout each of the Defendant's buildings.

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~~11.12.~~ At least once annually, Defendant shall distribute to all enrolled students and their parents/guardians and to all current School District personnel the ~~policies identified in Paragraph 5~~Applicable Policies. All students, parents/guardians, and School District personnel will be required to read each policy and acknowledge that they understand and will follow each policy.

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~~12.13.~~ The ~~policies described above~~Applicable Policies shall be implemented by the start of the ~~2021~~2022-2023 school year, but nothing herein prevents Defendant from implementing these policies earlier as it is able.

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STUDENT MENTAL HEALTH

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14. Starting in the 2022-2023 school year, School District counselors and social workers shall receive training regarding mental health issues related to race-based harassment, bullying, and discrimination.

~~13.15.~~ School District personnel who have received professional training to assist School District students experiencing mental health issues related to race-based harassment, bullying, or discrimination shall be readily accessible to students during school hours. The time a School District student spends seeking or receiving in-school assistance for mental health issues related to race-based harassment, bullying, or discrimination, shall not contribute to any truancy citation.

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16. School District personnel will include counselors and social workers that have received training on race-based and culture-relevant strategies on how to respond to and support students who are experiencing mental health issues related to race-based harassment, bullying or discrimination.

17. All School District staff will receive racial harm protocol training so that staff can respond immediately to student concerns and will be informed on how to listen to students and to help and support students process any race-based harassment, bullying or discrimination.

TRAINING AND PROFESSIONAL DEVELOPMENT

18. Notwithstanding Defendant’s prior training and instruction to School District personnel and students, Defendant will take the following actions with respect to its training and professional development.

~~14-19. The District shall provide, in advance of the first day of each school year, provide a mandatory Defendant-developed equity, implicit bias, and inclusive practices training to all School District personnel. Defendant shall schedule additional building-specific equity trainings as may be recommended by Defendant’s building-level equity advisory teams identified in Paragraph 16. The trainings shall include, but are not limited to;~~

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- a. Age-appropriate instruction on the type of conduct that constitutes harassment, specifically addressing examples of race-based harassment, and a discussion about the negative impact that such harassment has on students, employees, and the educational environment;
- b. Implicit bias, including but not limited to harassment carried out through coded words and acts;
- c. Transformative leadership training in the diversity, equity, inclusion, and accessibility space, which should emphasize the goal of preventing incidents of race-based discrimination, harassment, and bullying from occurring, rather than reacting to such incidents as these incidents occur;
- d. The requirement of investigation, mandatory documentation, and electronic tracking as discussed in paragraph 8 *supra*;
- e. Identifying practices or reactions that could result in the minimization of reports of harassment or victim-blaming, even if not intended or overt;
- f. Guidance on steps to foster a nondiscriminatory educational environment;
- g. A review of the harassment and bullying policies and procedures with emphasis on the District's and its employees' responsibility to respond to all harassment and bullying, and to take effective action to end harassment and bullying, prevent its recurrence, and as appropriate, remedy its effects;
- h. Identification of designated staff at each school and the District who are available to answer questions or address concerns regarding the harassment and bullying policies and procedures or other issues related to harassment and bullying; and

i. Defendant shall schedule additional building-specific equity trainings as recommended by Defendant’s building-level equity advisory teams identified in Paragraph 23.

20. The District shall provide on an annual basis, a mandatory, age-appropriate, and Defendant-developed anti-harassment and anti-bullying training to all students. Such instruction shall be designed to promote an inclusive and safe educational environment for all students, including issues related to the prevention of race-based bullying, harassment, and discrimination, including bullying and harassment that occurs over social media (to the extent that it materially interferes with school-sponsored activities or the learning environment or invades the rights of other students, and to the extent that the District has knowledge of the social media activity) or through coded language. Defendant shall schedule additional building-specific student trainings as recommended by Defendant’s building-level equity advisory teams identified in Paragraph 23.

21. Starting in the 2022-2023 school year, Defendant will provide training regarding conducting investigations related to race-based harassment, bullying complaints and issues to all School District personnel who will be responsible for investigating complaints.

~~15.22.~~ At least once annually, Defendant shall solicit input and recommendations* from parents/guardians of School District students and School District personnel regarding ways to improve the mandatory training and professional development referenced in Paragraph 14Paragraphs 19 and 20.

~~16.23.~~ Defendant shall operate schoolbuilding-level equity advisory teams comprised of, at minimum, five building-level staff members, one of whom shall be the

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Principal, who will evaluate at least once each academic year the building-level implementation of Defendant's discrimination, bullying, and harassment policies, ~~polieiespractices,~~ and procedures. The equity advisory teams shall report the results of their reviews in writing to Defendant's Superintendent and Director of Equity and Inclusion-~~or equivalent roles.~~ Each report shall state the date of the meeting, the names of the team members who attended, the documents reviewed, the conclusions reached, the rationale for those conclusions, and any recommendations for building-specific equity and inclusion trainings. Documents reviewed shall include but not be limited to all documentation that tracked harassment and bullying incidents and responses within a school for the year. Additionally, each equity advisory team will have written, measurable goals that will be shared with the Director of Equity and Inclusion and with the Superintendent. The Director of Equity and Inclusion and Superintendent will provide feedback and support to the Principal and each equity advisory team in order to ensure that goals are being met.

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~~17.24.~~ Defendant's Superintendent and Director of Equity and Inclusion shall take the recommendations identified in the above paragraph and will assess whether and how the recommendations may be implemented in upcoming school year(s). ~~CURRICULUM, PROGRAMS, AND ACTIVITIES.~~

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25. The Equity Advisory Council, which comprises School District personnel, students and parents, will be structured such that a School District board member is part of this group and present at meetings. The Equity Advisory Council will provide recommendations to Defendant.

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CURRICULUM, PROGRAMS, AND ACTIVITIES

18. Defendant shall conduct an thorough internal review of its K-12 curriculum and take steps, where appropriate and consistent with state-mandated standards, to incorporate additional resources which represent a pluralistic society and reflect contributions made by groups and individuals from diverse backgrounds. TheseIn collaboration with the School District's department of teaching and learning and the office of equity and inclusion, these efforts shall commence in the 2021-2022-2023 school year with a review of Defendant's secondary (high school level)

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26. Social Studies which includes U.S. History/Government, and English* Language Arts course curricula. Thereafter, as budgetary and other considerations permit, Defendant shall ~~continue to~~comprehensively review course curricula in other relevant academic subject areas and at additional grade levels.

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27. Defendant shall also conduct a comprehensive review of the School District's instructional strategies which will include training the School District's instructional coaches and teacher leaders to review the processes that are in their buildings and School District cross-departmental collaboration that will include the Department of Teaching and Learning, Department of Equity, and Special Education.

28. Defendant shall also seek input from School District parents and students of color, and the District's equity teams regarding curriculum, events and activities that celebrate diverse cultural heritage.

~~19-29.~~ Defendant shall provide for and promote in-school or after-school events in its schools focusing on equity and inclusion.

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~~20-30.~~ Defendant shall recognize diverse cultural heritage with programs, events, or classes that celebrate diverse historic figures, principles, and movements.

31. Defendant shall continue to administer anonymous student surveys for students in Grades 6-12 and will do so once per school year. The Defendant shall ensure that the survey includes questions regarding race-based bullying and harassment and share the results with the school-level equity advisory teams set forth in Paragraph 23, in order to identify any adjustment to the trainings set forth in Paragraphs 18 and 19 or other appropriate remedial measures. Principals in each school shall review anonymous survey

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results and report any references to race-based harassment, bullying, or discrimination to the District.

21. ~~With respect to Paragraphs 18-2025-30,~~ Defendant shall incorporate the 32. ~~referenced curriculum, programs, training, events, and classes responsibly~~

and in a way that does not purposefully draw unwanted attention to any specific student of color within the district.

STAFF DIVERSITY

22-33. Consistent with Minn. Stat. § 122A.40 and applicable collective bargaining agreements, Defendant shall take lawful steps to increase recruitment, hiring, promotion, and retention of School District personnel, including administrators and counselors, who identify as minorities.

34. Defendant shall post job vacancies on its website, and in other sources or publications that reach minority populations, including student affinity groups at national, state and local colleges or universities that are focused on training educators.

35. Defendant shall attempt to provide diverse perspectives with respect to staff and parents on the interview committees in order to have multiple perspectives represented during the interview process.

36. Defendant shall create and maintain affinity groups for its staff as necessary, including staff of color. Defendant will ensure that all staff is made aware of said affinity groups.

37. Defendant shall direct high school career counselors to develop programming to encourage minority students to enter the teaching profession.

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~~23.38.~~ On an annual basis for the term of this Decree, Defendant shall review its efforts to retain minority teachers, and identify and implement best practices to improve and support its minority teacher retention rates.

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RETENTION OF JURISDICTION AND ENFORCEMENT

~~24-39~~. This Court shall retain jurisdiction over all matters relating to the implementation and enforcement of the Consent Decree.

~~25-40~~. This Consent Decree shall take effect immediately upon being enacted, unless other specified, and shall remain in effect until Defendant has complied with all Paras.Paragraphs 5 to 2338 for three (3) consecutive, full school years, at which time the Consent Decree shall automatically terminate. Defendant may, however, move for termination of the Consent Decree before its automatic expiration if Defendant demonstrates it has substantially complied with the Consent Decree.

MISCELLANEOUS PROVISIONS

~~26-41~~. Failure by a Party to enforce any provision of the Consent Decree will not be construed as a waiver of the Party’s right to enforce other provisions of the Consent Decree.

~~27-42~~. Terms of this Consent Decree shall be binding upon the Parties hereto, their agents, their successors-in-interest and their assigns.

~~28-43~~. If any provision of this Consent Decree is declared void or unenforceable by any court of competent jurisdiction, for any reason, the remainder of the Consent Decree shall remain in full force and effect.

~~29-44~~. All undersigned counsel of record for the Parties has the authority to enter into and execute this Consent Decree on behalf of the Parties to this Agreement.

~~30~~. This Consent Decree constitutes a court order authorizing Defendant to disclose information protected by the Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. § 1232g(b)(2)(B), the Minnesota Human Rights Act (“MHRA”),

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45. ~~MHRA, Minn. Stat. § 363A, et seq.~~ and the Minnesota Government Data Practices Act (“MGDPA”), Minn. Stat. § 13.01 *et seq.*, for the purpose of effectuating this Consent Decree.

46. ~~31.~~ Each entity or individual receiving information protected by FERPA or the MGDPA pursuant to Paragraph ~~3045~~ shall enter into a confidentiality agreement with Defendant prior to receiving such record(s), consistent with 20 U.S.C. § 1232g(b)(4)(B).

The Court has reviewed the provisions of this Consent Decree, and finding them fair, just and reasonable, and good cause appearing therefore adopts the Consent Decree as the Order of the Court. All Orders not inconsistent herewith remain in full force and effect.

It is therefore ORDERED that the provisions of the Consent Decree become the Order of this Court and this Court shall retain jurisdiction over this case until further Order of the Court.

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