

Resolution Agreement #05-14-5003 Milwaukee Public Schools

Milwaukee Public Schools (District) submits this Agreement to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to resolve the allegations in this OCR compliance review #05-14-5003. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (Title VI), and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin by a recipient of Federal financial assistance.

Designation of Responsible Employee

1. By February 1, 2018, the District will designate an employee to serve as the District's Discipline Supervisor, and will publish this individual's name and/or title, office address, e-mail address and telephone number on its website, in all school publications regarding discipline, and in any notices about discipline that the District sends to parents annually. The Discipline Supervisor shall be responsible for ensuring that the implementation of the District's policies concerning discipline is fair and equitable. In addition, the Discipline Supervisor will address complaints from parents, guardians, students and others regarding the implementation of the District's disciplinary policies.

REPORTING REQUIREMENTS: By February 15, 2018, the District will provide OCR the name and qualifications of the individual(s) appointed as the Discipline Supervisor and implementation of the notice requirements of item 1. By July 2, 2018, and July 1, 2019, and July 1, 2020, the District will provide documentation to OCR regarding its implementation of the notice requirements of item 1.

Early Identification of Students At-Risk for Behavioral Difficulties and Early Intervention

2. By March 16, 2018, the District will ensure that all school staff employ a range of corrective measures before referring a student to disciplinary authorities unless it can be documented that the safety of students and/or staff is threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral. To that end, the District will assess staffing levels of guidance counselors, social workers, school safety officers and other mental health workers to determine if there is sufficient availability at each school. The District will also assess class size and student-to-teacher ratio to determine if class size has an effect on discipline referrals. By March 30, 2018, the District will develop a plan to effectively tailor school-based services that are supportive of the needs of students in order to decrease behavioral difficulties that manifest in school and to increase

students' ability to benefit from the learning environment. The plan will describe the following:

- a. the process for identifying students who are at-risk for behavioral difficulties due to their experiences in and outside of school;
- b. school-based interventions for students who are identified as at-risk for behavioral difficulties;
- c. support for school staff to meet the needs of the at-risk students; and
- d. any timeframes to hire, if needed, more guidance counselors, social workers, school safety officers and/or other mental health workers.

REPORTING REQUIREMENTS: By April 15, 2018, the District will provide OCR a copy of the plan referenced in this item. By July 2, 2018, July 1, 2019, and July 1, 2020, the District will provide to OCR documentation of the steps taken to implement the plan in the just-completed school year.

Outreach to Students, District Staff and Community Members

3. By February 16, 2018, the District will establish student committees at the District's middle schools and high schools to discuss matters concerning the equitable treatment of students in the implementation of the District's discipline policies, practices and procedures and to identify steps the students believe the District could take to improve student behavior and cause students to be more engaged in the educational program.
 - a. The District will encourage the student committees to identify the aspects of the District's educational program they see as positive and likely to encourage positive student behavior and the aspects of the District's educational program they see as negative and likely to result in student misbehavior. The student committees will also be encouraged to identify actions students can take to help their classmates engage in positive school behavior, and will assist in the development and presentation of the forums discussed in item 3.
 - b. The student committees will have the same privileges as other District extracurricular activities, including access to meeting space in District schools and public notice about the committees, their meetings and their activities.
 - c. The District will appoint a District staff person to work with each committee to assist them in operating efficiently and effectively and in organizing their reports to the District. However, such District employees will participate in the committees' activities solely for the purpose of assisting them in achieving their objectives and will not attempt to influence or control the committees' discussions.

- d. The student committees will provide specific suggestions for improving the District's discipline policies, practices and procedures and establishing a safe school environment that is conducive to learning via the submission of a written report by no later than April 30 of each school year.
- e. The District will carefully consider the suggestions submitted by the student committees and develop a plan for implementing the committees' suggestions as appropriate by no later than June 30 of each school year. The District will provide the committees with a copy of the plan.

REPORTING REQUIREMENTS: By February 28, 2018, the District will provide documentation to OCR that the student committees required by this item have been established and a summary of the initial activities undertaken by each student committee. By July 2, 2018, July 1, 2019, and July 1, 2020, the District will provide documentation to OCR with a report outlining the District's response to the student committee reports.

- 4. By February 16, 2018, the District will establish a working group at each District school consisting of school personnel, including teachers, administrators and other school staff who are involved in making discipline referrals and imposing disciplinary sanctions, parents of school students and community leaders. This working group may be developed in conjunction with or as part of the District's existing School Improvement process.
 - a. The working group will consult with District experts as appropriate, and will develop and make recommendations to the District regarding the effectiveness of the District's discipline policies, practices, and procedures.
 - b. At each school, the District will designate an employee to coordinate the group's meetings and work.
 - c. The working group will be asked to provide District officials with input regarding strategies for improving student behavior, addressing student misbehavior by means other than disciplinary sanctions, and reducing any racial disparity in referrals for discipline, the imposition of disciplinary sanctions and the exclusion of students from the educational program.
 - d. The working group will also be asked to provide continuing input to District officials regarding strategies to ensure that school staff members have access to or are aware of available resources for assisting them in managing and de-escalating student behavior.
 - e. The group will consider if and how outreach efforts to families can be made to garner support for the District's discipline policies, practices and procedures and for the District's goal of addressing student misbehavior without excluding students from the educational program.

- f. The designated employee will prepare a written summary of the recommendations and suggestions of the working group and submit a report to the Superintendent or designee setting forth the recommendations and suggestions by no later than April 30 of each school year.
- g. The Superintendent or designee will review the report submitted by the working groups and develop a plan for implementing the groups' recommendations and suggestions as appropriate by no later than June 30 of each school year. The District will provide the working groups with a copy of the plan along with a written explanation of the reasons why any recommendations or suggestions made by the working groups are not being implemented.

REPORTING REQUIREMENTS: By February 28, 2018, October 15, 2018, and October 14, 2019, the District will provide documentation to OCR that the working groups required by this item have been established, and a summary of the initial activities undertaken by each working group. By July 2, 2018, July 1, 2019, and July 1, 2020, the District will provide documentation to OCR of the District's response to the reports.

- 5. By February 16, 2018, and annually thereafter through February 14, 2020, the District, in collaboration with the working groups described above, will develop and provide informational programs for parents or guardians of students at all District schools (parent programs) that will explain the disciplinary policies of the District in an easily understood manner and what is expected of students under those policies and the District's efforts to ensure the equitable discipline of students. The parent programs may be incorporated into other planned parent meetings, conferences or parent outreach programs. The District will ensure that the informational programs are offered in such a manner as to ensure the maximum possible participation by parents or guardians. This may include offering the program at multiple times in various locations and will include providing access to parents or guardians who are unable to attend the program to the materials developed by the District in association with the program. The program will provide parents the opportunity to raise concerns or suggestions regarding the improvement of the District's disciplinary policies, including any issues in connection with non-discrimination and emphasize the District's commitment to using the policies referenced in this Agreement to ensure a safe and orderly educational environment and to ensure the equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions.

REPORTING REQUIREMENTS: By February 28, 2018, February 15, 2019, and February 14, 2020, the District will provide documentation to OCR demonstrating that the information programs required by this item have been conducted, providing any recommendations, suggestions or reports that were provided by parents or guardians at the programs, and indicating the plans developed by the District in response to the input at these programs.

Policies, Practices and Procedures

6. By June 18, 2018, the District will revise its policies and procedures for discipline to be effective with the 2018-2019 school year. In doing so, the District will take into account any recommendations or suggestions made by the student committees and the working group referenced in items 4 and 5. The District will ensure that its revised student discipline policies, practices and procedures include the following:
 - a. Standards for disciplinary referrals that eliminate redundancies and include clear definitions, categories and clear procedures for staff to follow when making referrals;
 - b. The elimination, to the maximum extent possible, of vague, subjective or redundant offense categories including those that necessarily require a high degree of subjectivity and individual discretion (e.g., chronic disruption, disorderly conduct). To the extent the District retains such categories, the District will provide specific examples to ensure that staff understand the circumstances under which such categories can be used to impose disciplinary sanctions and the distinctions between such categories;
 - c. The elimination of exclusionary discipline for offenses of tardiness.
 - d. Definitions of misconduct that are clear and objective to the maximum extent possible and that clearly distinguish between similar acts, e.g., fighting and physical aggression; such definitions must include clearly defined, uniform criteria for all offense categories;
 - e. The range of penalties that may be imposed for each infraction and penalties that are proportionate to the type of misconduct;
 - f. The criteria for selection within the range of possible penalties when imposing disciplinary sanctions;
 - g. An explanation of how the District will distinguish between first offenders and repeat offenders when imposing disciplinary sanctions and a clear explanation of how any progressive disciplinary policies, practices and procedures will be implemented;
 - h. A requirement that alternatives to removal from class (including a temporary removal to the hallway), dismissal, suspension or any other sanctions that require removal from the educational setting be considered in all cases except those where the immediate safety of students or staff is threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by removal;
 - i. A requirement that school staff attempt a range of corrective measures before removal from class or referring a student to disciplinary authorities unless it can

be documented that the safety of students or staff is threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral;

- j. Appropriate due process standards for all students disciplined under the District's student discipline policies, practices and procedures, including a description of the key elements of the discipline process (appeals, alternative dispositions, timelines, provisions for informal hearings, etc.);

REPORTING REQUIREMENTS: By June 30, 2018, the District will submit its definitions and revisions, if any, to the student discipline policies, practices and procedures to OCR. By September 14, 2018, the District will provide documentation to OCR that it is implementing the revised policies and has disseminated the revised student discipline policies, practices and procedures to all District students, parents and staff and posted them in a prominent location on the District's website and in each District school.

Staff Training

7. By February 28, 2018, and by September 30 annually thereafter through the 2019-20 school year, the District will provide effective training programs to all District teachers, administrators, school aides, and any other District personnel charged with supervising students, making disciplinary referrals or imposing disciplinary sanctions.
 - a. The training will emphasize the District's commitment to using its discipline policies, practices and procedures to ensure a safe and orderly educational environment and to ensure the equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions.
 - b. As appropriate, the training for District employees will include but not be limited to detailed explanations of the discipline policy, the definitions of offense categories, the specific manner in which progressive disciplinary consequences will be employed, if applicable, the circumstances under which deviations from established policies and procedures may be justified, the documentation that must be developed and maintained by all District staff who make disciplinary referrals or impose disciplinary sanctions, the acceptable reasons for staff to remove students from class (including a temporary removal to the hallway) or refer students to law enforcement, evidence-based techniques on classroom management and de-escalation approaches, information on how to administer discipline fairly and equitably, resources that are available to staff who are having difficulty with classroom discipline, resources that are available to students to assist them in developing self-management skills, the value of recognizing and reinforcing positive student behavior, and the importance of ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require removal from the educational program.

- c. The training will provide employees the opportunity to raise concerns or suggestions regarding the improvement of the District’s disciplinary policies, including any issues in connection with non-discrimination on the basis of race.

REPORTING REQUIREMENT: By March 30, 2018, October 15, 2018, and October, 14, 2019, the District will provide documentation to OCR that it has provided the training required by this item, the name(s) of the person(s) who delivered the training, and a description with supporting documentation of the person’s qualifications.

Data Collection and Self-Monitoring

8. Beginning in March 2018, the District will collect and analyze data regarding referrals for student discipline and the imposition of disciplinary sanctions at all District schools, including tracking disciplinary referrals that do not result in discipline of students. The data collection system will include information on the student disciplined, including the student’s race, the specific violation for which the student was disciplined, the sanction imposed, the staff members who referred and disciplined the student, and whether law enforcement was contacted or involved.

REPORTING REQUIREMENT: By March 30, 2018, the District will provide to OCR documentation of the data collection system to be used.

9. Beginning in March 2018, the District will evaluate on an ongoing basis, but at least at the end of each school year, the data referenced in item 8 to assess whether the District is implementing its student discipline policies, practices and procedures in a non-discriminatory manner, at each school. The evaluation of the data will include, but not be limited to:
 - a. Review of discipline referrals, removal from class (including a temporary removal to the hallway) and penalties imposed to examine whether black students are receiving more removals, referrals or discipline than students of other races;
 - b. Review of student referrals for expulsions to examine whether black students are receiving more expulsions than students of other races;
 - c. Examination of whether certain teachers and administrators refer disproportionately high numbers of students of a particular race for discipline or are disproportionately responsible for imposing disciplinary sanctions that include exclusion from the educational program;
 - d. Examination of whether black students are disproportionately referred for offenses in which subjective judgment is exercised, while students of other races are not;
 - e. Examination of whether all students are consistently referred for similar misbehaviors without regard to race;

REPORTING REQUIREMENT: By July 2, 2018, July 1, 2019, and July 1, 2020, the District will provide to OCR the evaluations referenced in this item and a description of actions it proposes to take in response to these evaluations.

10. If the data suggests such disproportion, the meetings will explore possible causes for the disproportion and consider steps that can be taken to eliminate the disproportion to the maximum extent possible. If applicable, the principals will be reminded of District resources that are available to assist them in addressing the disproportion. If the information suggests that the principal or other school staff are failing to adhere to the District’s student discipline policies, practices and procedures or are engaging in discrimination, the Superintendent or Superintendent’s designee(s) will take appropriate corrective action, including but not limited to, additional training or disciplinary action. Where the data shows no disproportion, the meetings will examine steps that are being taken at the school to ensure the fair and equitable enforcement of the District’s student discipline policies, practices and procedures that might be adopted as “best practices” at those schools where disproportion exists.

REPORTING REQUIREMENT: By July 2, 2018, July 1, 2019, and July 1, 2020, the District will provide documentation to OCR of the meetings held pursuant to this item and of all steps taken as a consequence of information shared at the meetings.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that, during the monitoring of this Agreement, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, at §§ 100.3(a) and (b)(i)-(iii), which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

Superintendent or designee

Date