

Executive Summary

This report provides data and analysis related to select benchmarks and non-benchmark items of the consent decree signed by the Honorable Charles B. Kornmann in settlement of the litigation known as *Antoine v. Winner School District 59-2*, Civ. 06-3007. The consent decree contains 11 benchmarks and 30 items that the Winner School District (WSD) must address at the middle and high school. During the 2008-09 school year an external consultant convened a workgroup and facilitated a process whereby the plaintiffs and community members identified indicators of success for each benchmark and item. This report focuses on a select subset of the benchmarks and items as agreed upon by the stakeholders in the Spring of 2009. The data here were collected from the student data management system, Infinite Campus, in June and July of 2009, as well as from documents provided by the Winner School District.

WSD has been working to address the requirements of the consent decree since the 2007-08 school year. The benchmarks and items vary in terms of their complexity and specificity. Some are more concrete, such as item fifteen which requires WSD to provide staff with training on the due process rights of students. Indicators of success for these types of requirements are similarly straight forward. Other benchmarks and items are more abstract. For example, benchmark five establishes a goal of improved Native American academic achievement. The benchmarking committee has established indicators of success to measure this goal. However, the school district must use data, think strategically, plan systemically, and engage students, staff, and family members to determine the best course of action for achieving the goal. Because some benchmarks and items are more complex than others, WSD has been able to implement some requirements and make progress toward the success indicators in some areas more quickly and thoroughly than others.

The school district has made great strides toward a number of indicators. Student participation in extracurricular activities at the middle school has met the benchmark established by the committee. The teaching staff at Winner middle and high school are making great strides incorporating Native American themes, topics, and issues into the curriculum. The staff at each school has participated in professional development and completed reflection papers on their efforts. An analysis of documents shows that teachers are working in teams and individually to implement such units into their courses. Progress in data collection is also evident. The district has developed a standard exit form, allowing students to indicate their reason for leaving the district. Although all students leaving the district did not complete the form, the district may work with surrounding districts to follow-up with students.

Also encouraging is a reduction in the number of students receiving in-school-suspension (ISS) and the number of ISS events at the high school. Both indicators decreased in the 2008–09 school year for Native American (NA) and non-Native American (NNA) student groups when compared with the previous school year. The number of high school NA students with three or more disciplinary incidents remained the same; however, overall fewer disciplinary incidents occurred in 2008–09 than in 2007–08. At the middle school, the number of NA students involved in ISS and the number of ISS events involving NA students fell. Fewer middle school students had multiple incident reports in 2008–09 compared with 2007–08. However, the overall number of incidents among these students increased, resulting in a higher average incident per student in 2008-09.

Some benchmarks and items have been partially implemented or the district is in the process developing systemic approach to the meet the requirement. For example, the Ombudsperson was present for 75 percent of documented interviews involving a Native student at both the high school and middle school. This is admirable given the time demand this places on the Ombudsperson in addition to other responsibilities. Nonetheless, the district may consider coordinating schedules or other strategies to raise this percentage even higher. In regards to the professional development mandated by the consent decree, the district is providing the required training experiences however, a process for collecting data and evaluating the extent to which the experiences or the units of study on Native American topics and themes have impacted the beliefs and attitudes of staff members has yet to be established. Similarly, the district has developed and provides a disciplinary matrix to students, staff, and parents. Yet, at this time there is no process or tool to assess the degree to which there is a common understanding of the matrix.

Several challenges remain as the school district works to address each of the benchmark and non-benchmark indicators. The graduation rate for Native American students has not reached the goal established by the committee, and in fact is markedly lower than in previous year. This is due in part to the use of a new formula to calculate graduation rates. Although, by tracking the number of students leaving and returning to the district, as the new formula requires, it could be that the 2008-09 numbers more closely reflect the status of Native American students. Other challenges remain with regards to disciplinary incidents. At the high school, the number of Native American students receiving out-of-school suspension (OSS) and the number of OSS events involving Native American students increased over the 2007–08 school year. Furthermore, police referrals at both the high school and the middle school increased for Native American students over the previous school year.

When discipline incidents are disaggregated some patterns emerge. Incidents of fighting and the use of profanity comprise the bulk of disciplinary incidents at the middle school and high school, although incidents of harassment and insubordination at the middle school accounted for a considerable portion of total incidents. At the middle school, 74% of all incidents involved a Native American student, while at the high school, 73% of all incidents involved a Native American student. Male students were involved in disciplinary incident two to eight times more often than female students. The data indicate that Native American students received the majority of in-school and out-of-school suspensions. However, this may be expected as Native American students were cited more often for disciplinary incidents. Further data analysis is needed to determine if Native American students are in fact more likely to receive suspensions than non-Native students. Some grade levels reported a notably higher number of incidents compared with other grade levels. Here again, further investigation is needed to determine the cause of the fluctuations.

It is evident from documents submitted that the Principal Advisory Committee (PAC) is reviewing data. What is not evident from the documentation provided is the capacity of the committee to analyze data with a critical eye and recommend supports for struggling students or changes to practice. It may be that the PAC is unsure of its role in identifying such alternatives for students with multiple offences. Other systemic conditions may contribute to the committee's reluctance in taking a more proactive role, including: past practice and expectations of the committee; lack of a guiding mission, vision, or policies; timing of meetings and data review. Finally, Native American parent engagement continues to challenge the district and Native American parent attendance at school-sponsored events is low.

Progress in the implementation of the benchmarks and items is mixed. Some indicators of success have been met while the district is just beginning to address other benchmarks and items. Overall, the district has demonstrated a continued effort to identifying systemic, strategic solutions to meet the terms of the consent decree.