

**NOTICE OF PROPOSED SETTLEMENT
OF SCHOOL-DISCRIMINATION LAWSUIT**
Antoine v. Winner School District

FILED
OCT 16 2007

CLERK

To: All Native American students who will attend the Winner Middle School and the Winner High School in September 2007 or who may attend either school at some point in the future, and their parents and guardians.

In March of 2006, a lawsuit was filed against the Winner School District on behalf of all Native American students currently attending the Winner Middle School or the Winner High School and all Native American students who will attend either school in the future. The lawsuit, *Antoine v. Winner School District*, claimed that the School District unlawfully required students to sign affidavits that could be used against them in criminal and juvenile prosecutions; discriminatorily disciplined students on the basis of race; and maintained an educational environment hostile to Native American students and their families. The School District denied any wrongdoing, but has agreed to settle the case.

As a current or future Native American Middle School or High School student, or as the parent or guardian of a current or future Native American Middle School or High School student, you may be affected by this settlement.

This Notice sets forth the terms of the proposed settlement and explains how you can object if you feel the settlement is unfair, or how you can ask questions about the settlement. However, *you are not required to take any action.*

What you can expect from the settlement

The settlement agreement that is being proposed would ensure that you (and all other Native American students in Winner Middle and High Schools) will be protected in the following ways:

1. School officials at the Middle School and High School shall not require any student to make a statement which could be used against him or her in a juvenile court proceeding or criminal proceeding. If school officials decide to report a student to the police because of school misconduct, they shall not interview the child unless the child's parent or guardian is present.
2. The School District will hire a Native American "Ombudsperson" from a list of names selected by the Native American community and submitted to the School District by the Rosebud Sioux Tribal Education Department. The Ombudsperson will be a liaison between the Native American community and the School District, especially regarding disciplinary issues. The Ombudsperson will be present every time a principal interviews a Native American child for a disciplinary incident, to ensure that the interview is fair.

3. The School District will hire a Monitor to review all disciplinary incidents to ensure non-discrimination. In selecting the Monitor, a strong preference will be given to Native American applicants.
4. The School District will incorporate Native American culture, history, and language into its mainstream K-12 curriculum, and will also hire a Native American teacher to teach a Native American history, culture, and language class every year at the high school.
5. The School District will work with an Expert to provide training to both students and teachers and faculty on reducing school fights and preventing racial bias.
6. The Middle School and High School shall include Native American parents, selected by the Native American communities, on the Principal's Advisory Committees. These Committees will review all disciplinary incidents four times a year to identify if racial disparities exist, and if so, recommend changes to reduce such disparities.
7. The Monitor will work with Native American parents selected by the Winner/Ideal community, the Rosebud Sioux Tribal Education Department, and staff from the school district, to develop a series of "benchmarks" to improve the district's responsiveness and accountability to the Native American community. The benchmarks will include goals for improving Native American graduation rates, reducing the number of suspensions and police referrals, and inclusion of Native American history, culture, and language into the curriculum, among other goals.
8. Defendants will be bound by the Consent Decree, formalizing this Settlement Agreement, until they satisfy all of the terms of the Agreement satisfy each of the benchmarks developed with assistance from the Monitor, for four consecutive school years. In other words, the Consent Decree and the Court's supervision over the Decree will end only when the School District has remained in compliance with the Decree for four years in a row.
9. As part of the settlement, the School District has agreed to pay to the attorneys who filed this case on your behalf the sum of \$100,000.00 to cover their fees and expenses incurred to date. While this represents only a fraction of their actual fees and expenses, your attorneys agreed to accept this amount.
10. You have the right to examine a complete copy of the proposed Consent Decree at either the Middle School or High School Principal's office during regular business hours. You may access it at www.winner.k12.sd.us, or write Ana Weibgen whose address is below.

What to do if you object

If you believe that this settlement is unfair or unjust, you, as a member of the Plaintiff Class, have the right to object. Any objections must be received by November 15, 2007. You must send your objection to:

Office of the Clerk
U.S. Post Office and Courthouse
225 South Pierre Street
Pierre, SD 57501

You should be specific about which part of the proposed settlement you object to, and why.

What to do if you have questions


If you just have questions about your rights under this settlement or the terms of the settlement, you can write to the attorneys who represented the Plaintiff Native American students and parents in this lawsuit, by sending a letter to:

Ana Weibgen
ACLU
125 Broad Street, 18th Floor
New York, NY 10004

Status of Settlement

The Judge handling this case, whose name appears below, has not yet approved this settlement. The Judge will not approve it until he has reviewed it and taken into account any objections you may have. He will schedule a hearing to determine if the settlement is fair before it is made official.

Dated this 15th day of October, 2007.


Judge Charles Kornmann
U.S. District Court