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winona's twice-weekly newspaper since 1971

winona post

wednesday, january 13, 2021

volume 50, no. 2

winonapost.com

Official newspaper of the city of Winona

Supreme Court turns down frac sand case

by ZACH KAYSER

The U.S. Supreme Court on Monday declined to consider an appeal of Winona County's ban on frac sand mining, meaning the ban will stay in place.

The ban had been challenged by mining company Minnesota Sands. The U.S. Su-

preme Court denied certiorari in the case, meaning it declined to review Minnesota Sands' appeal of a Minnesota Supreme Court ruling upholding Winona County's ban.

Minnesota Sands released a written statement Tuesday expressing their disappointment. "This decision means that Minnesota

Sands will continue to be prevented from implementing its plan for small-scale, mobile sand quarries with minimal environmental impact," the company said.

The statement went on to say that the Winona County Board had exceeded their authority by banning frac sand mining.

Banning a regulated use of a natural re-

source is the wrong way for Winona County to try to address an issue that is far beyond their authority as a county government," Minnesota Sands' statement read. "The court's unwillingness to review the ban will unfortunately encourage other activist

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Will new City Council scrap road diet?



by CHRIS ROGERS

The Broadway road diet — a plan to re-stripe Broadway, converting it from four lanes to three — was a hot topic in last fall's Winona City Council election, and now the new City Council could very well stop the project in its tracks.

First proposed in 2015 following a series of pedestrian accidents on Broadway, the road diet would repave Broadway from Sioux Street to Mankato Avenue and re-stripe the road so that it only has two travel lanes, while adding one center left-turn lane. The project would also update crosswalk curb ramps along the

route to meet American with Disabilities Act (ADA) requirements, install curb bumpouts at a handful of intersections, and add bicycle lanes. Four-to-three-lane conversions are a Federal Highway Administration "proven safety countermeasure" shown to reduce both vehicular and pedestrian accidents by reducing the number of potential conflicts for vehicles, reducing the chances of rear-end accidents, and boosting pedestrian safety by eliminating blindspots and reducing crosswalk distance.

The city won \$1.9 million in state and federal grants for the project, and plans to use another

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Photo by Chris Rogers

In an effort to improve pedestrian safety, Winona had planned to convert Broadway to three lanes this summer, but after the project became a big campaign issue, the new City Council may nix the project.

WAPS equity group's frustrations

by ALEXANDRA RETTER and CHRIS ROGERS

Winona Area Public Schools' (WAPS) Diversity and Equity Committee (DEC) is charged with making sure minority students have equitable access to education and helping the district fulfill its mission: "welcoming all learners." Over the course of last year, several DEC members expressed frustration at how little progress they felt was being made. "It's like we can't move," DEC member, Black parent, and former WAPS administrator Maurella Cunningham said. "It's like when you're in a dream, and you can't accomplish things. It shouldn't be that difficult." District leaders said WAPS is making progress while also facing a pandemic that poses extreme challenges for educators.

Cunningham is not alone. Other DEC members, including many of the committee's members of color, expressed concerns about how much progress DEC was making and whether WAPS administrators and elected officials listened to or implemented the group's recommendations.

"It was so disheartening to hear from School Board members that it was not our place," DEC member Tova Strange said in September, referring to a board

see **EQUITY** page 5a

Can kids, seniors share ERC?

by ZACH KAYSER

Despite it falling out of the spotlight since it was unveiled this summer, the plan for a possible combination of the East Recreation Center (ERC) and the Friendship Center is still making people imagine what could be.

In August, consulting firm ISG presented plans for a combined center to the Winona City Council, which included two indoor gymnasiums as well as two outdoor half-court

see **ERC** page 9a

Pandemic ups home-buying competition

by ZACH KAYSER

The coronavirus pandemic is blowing up the Winona home-buying market — in a good way.

In 2020, homebuyers in Winona County set a new record when they purchased a total of 717 homes, according to data from the county

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Some students return to in-person learning



Photo by Alexandra Retter

Jefferson Elementary School students exit a bus and head toward their classrooms for a full day of in-person learning. On Monday, kindergarteners, first graders and fifth graders at Winona Area Public Schools returned to class for in-person learning five days a week for the first time since last March.

by ALEXANDRA RETTER

Josie Deiss' daughter, who is in fifth grade at Winona Area Public Schools (WAPS), was so "over the moon ecstatic" about returning to school for full-time, in-person learning that she talked about it for days and discussed what to wear on the first day back with her friends over the phone.

"It's really hard to have a child who is a social butterfly, and she's all of a sudden told one day she can't see her friends, go any place, have anyone over ... So that social-emotional connection with friends and just being in a normal public setting is invaluable, and I think we take that for granted," Deiss said.

Students at Winona Area Catholic Schools and Cotter Schools, as well

as students in the Lewiston-Altura, St. Charles, Galesville-Etrick-Trempealeau and Cochrane-Fountain City School Districts, are returning or have returned to in-person or hybrid learning, as well.

Deiss is excited for her daughter and her son, who is in second grade at

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Lawsuit

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groups to try enacting similar regulations in other Minnesota counties."

After the Winona County Board passed a ban on all new frac sand mines in a 3-2 vote in 2016, Minnesota Sands was one of

two plaintiffs that sued the county over the ban in 2017. The company told the court it held the rights to \$3.6 billion in frac sand deposits in Winona County, and it still wanted to mine them. In March the Minnesota Supreme Court upheld the ban 4-3, but Minnesota Sands continued their legal campaign.

Jay Squires, an outside lawyer for the county, said the Supreme Court had been

his opponents' last appeal option and the years long legal saga had finally ended.

"We're pleased that the case has come to a conclusion and think that the courts all along the way made the correct decision that the county has the ability to protect its residents and the environment through the regulations that it adopted and were challenged," he said.

The Land Stewardship Project, which

pushed for Winona County to enact the ban in the first place, also released a statement expressing their pleasure at the decision. "The Land Stewardship Project is pleased that the court has made the right decision, respecting the people of Winona County's right to keep their communities safe from this harmful industry," it read.

Chris Rogers contributed to this story. Local@winonapost.com

Equity

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decision turning down DEC's recommendation to create a cultural liaison staff position to support students and families of color.

"Disappointment makes me want to pull my hair out sometimes," DEC member Rose Carr said in September, describing long meetings with limited results.

Cunningham went so far as to bring her concerns to the Winona Human Rights Commission in November. "What is our responsibility when issues that should be addressed keep getting pushed back?" she asked. "It's really great to say that you'll address them and talking the talk, but walking the walk is really critical, as well."

"I think since the school year has started now, that we're moving forward and we are responding or getting pieces into place with the work that we're doing," WAPS Superintendent Annette Freiheit said in an interview, responding to some DEC members' frustrations. "I think it's improved greatly." She cited work by teachers and individual schools to discuss equity and professional development and WAPS' plans to launch a new survey asking how welcoming the district is to minority students. Structural change takes time, Freiheit said. "It's going to take the full year to really get the processes in place," she stated.

Like many districts across the state and country, there are major racial disparities in how well students do at WAPS, with a 2019 graduation rate of only 43 percent for Black students compared to 78 percent for white students. WAPS was one of several districts that entered a legal settlement with the Minnesota Department of Human Rights (DHR) over its suspension and expulsion of Black students at nearly seven times the rate of white students. Unlike other Minnesota districts, WAPS also agreed to a legal settlement following whistleblower reports and a separate DHR investigation accusing district staff of specific incidents of racial discrimination against students.

In 2020, Freiheit pledged to take action to address racial equity and took several steps. Meanwhile, citizens, some DEC members, and some School Board members have pushed for more action, more quickly.

It's far from the only challenge that faced teachers and administrators in 2020. "I'm passionate about this work and have staff members who are super passionate, as well, but also the 9 to 10 months of the pandemic is taking a toll," DEC member and elementary principal Dawn Waller Lueck said last month.

Disagreement over Our Voices

Local parent LaShara Morgan founded the student group Our Voices to provide Black students and other students of color with a group in which they could be their true selves without fear of judgment. At Our Voice's weekly meetings, students enjoy a meal together, socialize and discuss the topics that are on their hearts and minds.

Cunningham said such groups are beneficial for students of color. "Just as a person of color being in predominantly white settings, when you're the only one, it's difficult," Cunningham noted. "Not only is it difficult, but there's so much on any given day that you're involved in that you need somebody to talk to about. And I think affinity groups like this are necessary to help students and families."

Morgan asserted WAPS administrators generally weren't supportive of Our Voices and raised concerns about it being a race-based club. Morgan said school officials told her, "It wouldn't be fair to white students."

Conversely, WAPS Superintendent Annette Freiheit said in July, "Our Voices has always been a part of WAPS and will continue. We support the program."

Later this summer, Morgan said, "I honestly, this is truly how I personally feel, and that is, they only chose to recognize Our Voices once the community found out about Our Voices and found out that I was

single-handedly supporting and funding my group out of my own pocket. I honestly believe if no one had ever heard about Our Voices, the school would've continued to ignore us."

Some DEC members made a point to advocate for Our Voices. "I think that would be great, if we could support Our Voices, because it's a valuable group in our community and valuable for students of color," DEC member Tesla Mitchell said. Tova Strange said at a July meeting, "If we publicly and privately support and endorse the Our Voices group, then we could solve the issue that there is no safe space for Black kids."

WAPS Director of Learning and Teaching Karla Winter argued that wasn't DEC's role. "If we keep having these same conversations about Our Voices, and I know they need to be addressed, but I'm not sure, is that our purpose? Is that our focus? ... We're not going to move forward if we continue like this," she stated last summer. When asked to clarify those comments, Winter said in December, "I think we still need to look at inclusivity, diversity, looking at all students and all families."

"We get that we have to serve all students. But it's like, when there's a forest fire, you go to the hot spots first ... So that's kind of what DEC is saying, is you need to deal with these issues of race first," Cunningham stated.

Ultimately, Our Voices members opted to part ways with the district and meet outside the schools.

Cultural liaison proposal: 'lost in the weeds'?

In another effort, several DEC members and citizens called on the district to create a cultural liaison position, which would focus on supporting students and families of color. For students of color, a cultural liaison would mean "having somebody who listens to them" who could help address any issues or concerns they raised, Cunningham said.

Some citizens, School Board members and DEC members said they wanted a person of color to fill a cultural liaison position. Freiheit did not go so far as specifying whether the district should hire a person of color for the role, but she said in December, "I think it has to be a person who has an understanding of the particulars students of color face. So, having somebody who has had experiences provides a better, more qualified person."

A narrow majority on the School Board repeatedly rejected the liaison proposal before agreeing to study it alongside a host of other programs.

Following the DHR settlement over discrimination, School Board members voted unanimously in June 2020 to eliminate the district's School Resource Officer (SRO) contract with the Winona Police Department, and citizens pushed for WAPS to replace the SRO with a cultural liaison. A proposal to do just that failed in a 3-4 vote in June, with School Board members Allison Quam, Karl Sonneman, and Michael Hanratty voting yes and members Nancy Denzer, Tina Lehnertz, Jim Schul and Steve Schild voting no.

A couple months later, DEC recommended to the School Board that it consider establishing a cultural liaison position. Board members did not move forward with DEC's recommendation.

School Board member Jim Schul said he had concerns about funding such a position and the potential responsibilities for the person holding the position. Other School Board members unsuccessfully proposed plans to free up money for the position.

Board members voted 4-3 in September to replace the SRO with student safety coaches. Safety coaches are meant to foster positive connections with students and families, reinforce positive student behavior and actively supervise school buildings. Hanratty, Sonneman, and Quam dissented, with Hanratty and Sonneman pushing for some of the available funding to go toward a cultural liaison in addition to safety coaches. "And until we get to that, until we know that's part of this proposal, I have to oppose it," Sonneman said.

Another movement to develop a cultural liaison position came from Sonneman at an

October 2020 School Board meeting. The motion again failed, 3-4, along the same lines as in June. Instead, the School Board added the cultural liaison position to an existing study of other student support services, such as counseling and social work. That study is still ongoing.

"I understand the perspective that some of you want to take this holistic approach," Quam noted. "But I don't ... although a position such as this might be included in that [student support services study], I don't really see, unless the conversation, the student support services group, is led by a person of color, is led by a Black person, led by an Indigenous person, ... and those of us who are white step aside and listen to those conversations, I think we're going to keep repeating ourselves and not actually head toward the moment of reconciliation and healing that we really want. I believe we all want that."

School Board member Tina Lehnertz supported considering the liaison position as part of the broader student support services study. "It doesn't mean that I believe that it [the cultural liaison position] isn't necessary, that something isn't necessary. If we're going to do it, I want to do it right. And I don't believe that one person can take care of all of the kids that we need them to take care of," Lehnertz said.

Schul stated that rolling the analysis of a cultural liaison position into the student support services study shows the district is dedicated to considering the position. "It's a message to the public that we take this seriously, that we're going to be intentional with looking at this concept," Schul said.

Not everyone saw it that way. Mitchell said she wished the School Board had taken action on the cultural liaison proposal. "I do respect what the School Board's decision was, and I'm hopeful it becomes a big part of that report. My concern with it being within that study group is, it wouldn't get enough attention and would get lost in the weeds and would not be given the attention and respect it deserves."

DEC member Marci Hitz said she did not think the School Board should wait to create a cultural liaison position. "They were able to act very quickly when they ended the contact with the police department and established what they're calling safety coaches," Hitz said. "So again, there was no need to create a committee and drag all that out."

WAPS launches three-year equity study

One DEC initiative that is moving forward is a proposal to study how welcoming WAPS schools are for underrepresented students and develop a plan for improvement. DEC previously proposed hiring consultants that specialize in equity and inclusion to accomplish that. WAPS administrators declined to add that proposal to this year's budget, but approved a different, free, three-year plan — which DEC also supported — run by the Minnesota Department of Education (MDE) Regional Center of Excellence (RCE).

The study is just beginning, and over the next three years, the district and an RCE consultant plan to gather feedback from parents, review the district's data about topics such as student achievement and discipline, complete a needs assessment and root cause analysis, develop a plan for school climate improvement with input from district members, put the plan in place and evaluate how WAPS implements the plan.

Waller Lueck said DEC has wanted to complete school climate work in the past, so she is glad the current study is happening. "And it's thoughtful, well laid-out, three-year plan, so I love that that's providing structure and a way for us to learn and reflect at the same time, because I think sometimes we talk or learn something, but we don't have time to reflect or implement, so it's got all those pieces," Waller Lueck noted.

Some DEC members have said that they already know what problems the district is facing when it comes to equity, and they wish to work more quickly. Cunningham noted that existing data shows disparities in discipline and academics between students of color and their white peers, for instance. "We have that data," she stated. "We know that problems exist for students academically." Strange said this summer, "My concern is a lot of us know what the issues are that need to be done to fix them." She questioned what new information the district would gain from the study that students had not already expressed.

It is valuable for the district to be part of a school climate study, Cunningham said, but she does not want to wait for the

study's results to begin improving equity in WAPS. "All of a sudden, I feel DEC's work is kind of being put under a thumb, in terms of, let's wait to see what the district climate work results in," she stated.

The work will take time, others said, particularly during the pandemic. "I know there are some who want to see us work much faster, [but there should be] that grace and empathy in the situation we're in right now," Freiheit said.

Waller Lueck said educators have very full plates because of the pandemic, and she wants to approach equity work in a way that will generate buy-in from staff members. "There are those people that want to move faster, but there are people who are super overwhelmed with everything going on," Waller Lueck stated. "I want it to be meaningful work, not something people are resentful of," she added.

Waller Lueck said she aims to help other staff members become more comfortable with having tough conversations about race and equity, and she feels the school climate study will assist with those efforts. "[The goal is] being able to have that conversation and build a culture of trust and vulnerability where you can have those conversations and say, 'Oh, what did you mean by that?,' and, 'This is how it might have come off to certain people,'" Waller Lueck said. "So we have to create that."

How are families of color included?

As WAPS works to be more inclusive, how are they hearing from people of color?

"We need to listen," Freiheit said in response to a rally in June by former students and citizens protesting alleged racism at WAPS schools. "Putting in place things that help our students have voices — how do our principles get all of the voices in their building heard and make any changes based on what they're hearing?" She continued, saying the district needs to reach out to parents and community members, too.

WSHS recently surveyed families about the courses students have taken and whether they feel included at school. Hitz said she would like DEC to have been included in creating the survey, and she felt the survey was an example of a situation where she is noticing a disconnect between DEC and the district. "I was asked if my white, heterosexual daughter felt she was represented at the high school, and the answer is, 'Of course.' That's a ridiculous question. Of course she's represented at the high school," Hitz said. "I don't think those are the right questions to ask."

Cunningham said that, while WAPS administrators said they're reaching out to families of color for input, she and other parents of color she knows have never been contacted, leading her to question how broad that outreach is. "People of color should be involved from the ground up," Cunningham stated.

DEC members have also discussed increasing the number of people of color on the DEC and finding ways to include people of color in DEC's work and the district overall.

DEC has talked about putting a 50-50 split between WAPS staff members and community members in place. A number of DEC members noted that they are leaning toward such a split, and they are in favor of more people of color joining DEC. "That makes a lot of sense to me," Hitz said, adding a "significant portion" of members should be people of color.

Mitchell said she felt DEC's conversations about membership have been an area of progress for the committee. "From an external point of view, I think there hasn't been a ton of progress, but from an internal point of view, DEC is doing a lot of reorganizing," Mitchell said. "And that's a really difficult job, especially when conquering a topic that's so important and is so big." Mitchell continued, "Because if the committee isn't equitable, how can we work toward equity?" She said she would like at least five community members of color to be on DEC.

DEC subcommittees are working on ways to bring more community member and student voices of color to the table, DEC chair and WSHS and Winona Area Learning Center school social worker Angela McQuinn said. "I think that goes back to the recognition and acknowledgement that we don't have these positive relationships with certain populations ... in our community, and we know that," McQuinn said. "And that's why we're working on community voices, to make a community and show people we're willing to be here." education@winonapost.com



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