

UNEDITED

U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, JULY 18, 2025

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The Commission convened via
Teleconference at 10:00 a.m. EDT, Rochelle Garza,
Chair, presiding.

PRESENT:

ROCHELLE GARZA, Chair
VICTORIA FRANCES NOURSE, Vice Chair
J. CHRISTIAN ADAMS, Commissioner
STEPHEN GILCHRIST, Commissioner
GAIL HERIOT, Commissioner
MONDAIRE JONES, Commissioner
PETER N. KIRSANOW, Commissioner
GLENN MAGPANTAY, Commissioner

DAVID GANZ, General Counsel & Parliamentarian
MARIK XAVIER-BRIER, Acting Deputy Staff
Director

STAFF PRESENT:

DAVID BELL

DEAN CRAFT

PIOTR CZAPLICKI

PAMELA DUNSTON, Chief, ACSD

DAVID MUSSATT

TINALOUISE MARTIN

JULIAN NELSON

JAMES O'BRIEN, Chair, Wyoming Advisory Committee

COMMISSIONER ASSISTANTS PRESENT:

JOHN K. MASHBURN

CARISSA MULDER

THOMAS SIMUEL

IRENA VIDULOVIC

ALEXIS FRAGOSA

NATHALIE DEMIRDJAIN-RIVEST

YVESNER ZAMAR

STEPHANIE WONG

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1 P-R-O-C-E-E-D-I-N-G-S

2 10:04 a.m.

3 MR. CZAPLICKI: Good day and welcome to the
4 July 2025 Business Meeting.

5 Today's conference is being recorded.

6 At this time I would like to turn the
7 conference over to Chair Rochelle Garza.

8 Please go ahead.

9 CHAIR GARZA: Good morning, everyone. I
10 am Chair of the Commission Michelle Garza. We are
11 going to go ahead and get started.

12 This Business Meeting of the U.S.
13 Commission on Civil Rights comes to order at 10:04
14 a.m. Eastern Time on Friday, July 18th, 2025. This
15 meeting is taking place via telephone conference.

16 Since our March 2025 Business meeting and
17 briefing, the Commission has committed to holding
18 virtual meetings due to budget concerns voiced by
19 Commissioners. Our State Advisory Committees have
20 been meeting virtually for some time now as a result
21 of past budget reductions and, as such, I made the
22 decision for the Commission, like our State Advisory
23 Committees, to hold our monthly meetings remotely
24 as well.

25 This allows the Commission to be mindful

1 of our resources, while ensuring that we continue
2 its important work in advancing civil rights.

3 And since we are all attending by phone
4 I am going to start with a roll call. But I will
5 also ask commissioners to speak their names as they
6 speak.

7 So, please confirm your presence when I
8 say your name.

9 Vice Chair Nourse?

10 VICE CHAIR NOURSE: Victoria Nourse, here.

11 CHAIR GARZA: Commissioner Adams?

12 COMMISSIONER ADAMS: Here.

13 CHAIR GARZA: Commissioner Gilchrist?

14 COMMISSIONER GILCHRIST: I'm here.

15 CHAIR GARZA: Commissioner Heriot?

16 COMMISSIONER HERIOT: I'm here.

17 CHAIR GARZA: Commissioner Jones?

18 COMMISSIONER JONES: Here.

19 CHAIR GARZA: Commissioner Kirsanow?

20 He is not present at the moment. We will
21 wait for him to join us.

22 Commissioner Magpantay?

23 COMMISSIONER MAGPANTAY: I'm here. This
24 is Glenn D. Magpantay.

25 CHAIR GARZA: Thank you, Glenn.

1 Thank you for that roll call. The quorum
2 of Commissioners is present.

3 Is the court reporter present?

4 COURT REPORTER: Yes, I am present.

5 CHAIR GARZA: Is the Staff Director
6 present?

7 MR. XAVIER-BRIER: I'm ready.

8 CHAIR GARZA: Parliamentarian?

9 MR. GANZ: I'm here.

10 CHAIR GARZA: David Ganz.

11 Okay, thank you.

12 I. APPROVAL OF THE AGENDA

13 CHAIR GARZA: So, now we're going to go
14 ahead and proceed with today's agenda posted on the
15 Federal Register. We are going to consider the
16 following items:

17 First, a presentation by the Wyoming
18 Advisory Committee Chair on Housing Discrimination.

19 Second, a discussion and vote on State
20 Advisory Committee appointments.

21 Third, a discussion and vote on the
22 Planning Documents for the 2026 Statutory
23 Enforcement Report on The Federal Response to the
24 Rise in Antisemitism on American College and
25 University Campuses, and the 2026 Briefing Report

on Mental Health in the Juvenile Justice System.

And, finally, a discussion and vote on the 2025 Statutory Enforcement Report: The Federal Response to Teacher Shortage Impacts on Students with Disabilities.

And then finally, the Staff Director's Report.

Are there any motions to amend the current agenda?

Okay. Hearing none, we are going to go ahead and move to consideration of the first agenda item.

II. BUSINESS MEETING

A. PRESENTATION BY WYOMING ADVISORY COMMITTEE

CHAIR ON HOUSING DISCRIMINATION

CHAIR GARZA: We are going to hear from our Wyoming Advisory Committee Chair James O'Brien on the committee's report Housing Discrimination: Fair Housing Practices in Wyoming.

Thank you so much, Chair O'Brien, for joining us and giving us this presentation. We are going to hand over the floor to you.

MR. O'BRIEN: Thank you very much.

Good morning, everyone. I am James O'Brien, Chair of the Wyoming Advisory Committee.

1 And I will present today on Housing Discrimination:
2 Examining Fair Housing Practices in Wyoming.

3 The report was completed in the second half
4 of 2024 and was approved by a majority of our
5 committee in October of 2024.

6 One committee member dissented from
7 approval and her dissent is attached as an appendix
8 to the report.

9 The committee selected housing
10 discrimination because of the lack of affordable
11 housing in Wyoming. And the committee was
12 concerned that housing discriminatory practices
13 were contributing to the lack of affordable housing
14 and made it more difficult to obtain housing in
15 Wyoming.

16 Over a 14-month period in order to hear
17 testimony we had five videoconferences with a
18 variety of stakeholders in Wyoming.

19 The committee approved several findings
20 which are in the report. And I will highlight
21 several of the key findings.

22 Wyoming has its own Fair Housing Act which
23 was adopted by the Wyoming legislature to be
24 substantially similar to the Federal Housing Act
25 -- the Federal Fair Housing Act, rather. However,

1 the Wyoming law provides that our governor assign
2 enforcement authority to an agency or department
3 in the Wyoming Executive Branch, which the governor
4 has not done.

5 As a result, Wyomingites that face housing
6 discrimination must go to the Denver Office of the
7 federal Housing and Urban Development for
8 complaints. And over the last 10 years, HUD has
9 received only 200 complaints, which they consider
10 low.

11 In a survey done by the Wyoming Realtors
12 Association, some 35 percent of survey respondents
13 reported witnessing discriminatory practices in
14 housing.

15 A second key finding is that renters are
16 reluctant to report housing discrimination because
17 of the fear of retaliation and repercussion. It's
18 difficult to obtain rental housing to begin with.

19 And if a renter reports housing discrimination it
20 becomes more difficult because they are viewed as
21 being a troublesome tenant.

22 A third key finding is that there is a
23 significant problem with disability-based
24 discrimination, which accounted for some 70 percent
25 of the housing discrimination complaints reported

1 to HUD.

2 In our report we made several
3 recommendations which we thought practical and
4 sensible, and ones which could be implemented. And
5 I will just highlight several of those.

6 First, we suggested the governor assign
7 enforcement authority to the Wyoming Attorney
8 General's Office so that Wyomingites can go and
9 report complaints locally here in Wyoming, rather
10 than having to go to Denver or to HUD.

11 Second, we have suggested that the
12 Attorney General's Office interpret the Wyoming
13 Fair Housing Act as the Federal Fair Housing Act
14 has been interpreted, to include sex-based
15 discrimination, which would entitle then Wyoming
16 to seek HUD funds to help fund the cost of
17 enforcement.

18 Third, we suggested that HUD should
19 conduct additional compliance reviews of HUD-funded
20 housing in Wyoming, specifically HUD-funded housing
21 in Riverton where there were specific complaints
22 raised by people who came forward during our video
23 hearings.

24 Next, we also suggested that unenforceable
25 covenants that remain in real estate documents from

1 historical practices should be deleted and taken
2 out of those documents by way of legislation passed
3 by the Wyoming legislature. They remain as sort
4 of historical blemishes and they are unenforceable,
5 but there is no need they should stay there. And
6 if the Wyoming legislature allowed it, communities
7 could run their own review of those from the real
8 estate records.

9 I did want to highlight one particular
10 problem.

11 Wyoming is home to the Wind River
12 Reservation, which I think is the sixth or seventh
13 largest tribal reservation in the United States.

14 During the course of our testimony we received
15 testimony that border communities and reservation,
16 inhabitants in the reservation, residents that seek
17 housing in border communities do face
18 discrimination if they don't have Section 8 housing
19 vouchers.

20 There is a view that when a reservation
21 resident wants to obtain housing in a border
22 community, the landlord specifically looks for
23 Section Housing 8 vouchers to guarantee payment for
24 a significant portion of the rent, and they're
25 otherwise reluctant to rent to those residents.

1 And as a result, there are some hundred families
2 on the reservation that are considered homeless
3 because they've been able to -- unable to obtain
4 housing.

5 So, this is quite a problem. And,
6 certainly, I personally think it would help to have
7 local enforcement because this is the kind of thing
8 that would be specific to Wyoming rather than
9 residents in the other states.

10 So, the sense of the committee, the lack
11 of affordable housing in Wyoming is a critical
12 issue. And that's been recognized by our
13 legislature.

14 Our legislature meets every two years to
15 consider substantive matters. It was on the agenda
16 for consideration this last legislative session.

17 While there weren't steps taken, there is work
18 being done between the sessions on affordable
19 housing.

20 And we hope that the report that we
21 prepared, along with the practical recommendations
22 in the report that we made to our Wyoming elected
23 leaders will help us deal with the important issue.

24 I do want to note two final points.

25 The dissent that's attached to the report

1 I think is thoughtful, considerate, and reasonable.
 2 And our Wyoming Committee heard from that member
 3 who fully participated. And we all, I think,
 4 appreciated that she was so careful in the way she
 5 wrote her report.

6 And then I also want to thank very much
 7 Kayla Fajota, our designated federal officer and
 8 Liliana Schiller, our logistics coordinator, who
 9 really did just an outstanding job supporting the
 10 committee. And I can certainly say from the
 11 perspective of the committee chair that we would
 12 not have been able to produce such a report without
 13 the good work of the staff of the Commission that
 14 helped the Advisory Committee both with the moving
 15 through the process, obtaining witnesses, and
 16 thinking through some of the recommendations that
 17 we had.

18 I appreciate the opportunity to present
 19 the report to the Commission. I'm happy to take
 20 any questions.

21 CHAIR GARZA: Thank you so much for that
 22 presentation, Chair O'Brien.

23 Now, at this time I am going to open it
 24 up to questions from commissioners.

25 And, again, if you do want to be

1 recognized, please raise your hand in the chat, or
2 Star-3 if you are on the phone, and say your name
3 before you start speaking, please.

4 COMMISSIONER JONES: This is Commissioner
5 Jones.

6 CHAIR GARZA: Commissioner Jones, you're
7 recognized.

8 COMMISSIONER JONES: Madam Chair, I know
9 that we've got a jam-packed meeting but I did want
10 to just make note of a comment and express my
11 gratitude to the chair for really thoughtful work
12 with respect to this report.

13 I would diverge from his characterization
14 of the dissent. There is a quote that stands out
15 to me from the dissent that says, "I do not think
16 property owners who are protecting other communal
17 interests, such as maintaining a family-oriented
18 climate on their property, should be forced to rent
19 to those who define sex according to the 'recent
20 redefinitions.'"

21 And so, that, that's the end of the quote.

22 I find that to be horrifying and
23 inflammatory, among other things. And I take issue
24 with the characterization of the thoughtfulness of
25 the dissent as anything other than not thoughtful.

1 And that's all I've got to say on that.

2 CHAIR GARZA: Thank you, Commissioner
3 Jones.

4 Vice Chair Nourse, I see your hand up.
5 You are recognized.

6 VICE CHAIR NOURSE: I thank you, Chair
7 Garza.

8 I just want to commend the chair for doing
9 work and emphasize how important this is to the
10 future of the Commission. You know, we have gone
11 back and forth, and I think we've settled now on
12 a united front on the Commission that is entirely
13 bipartisan on the importance of these State Advisory
14 Committees. Even if, like Professor Jones, we may
15 disagree with the dissent or the majorities, I think
16 we all agree that it is very, very important to the
17 life of this Commission.

18 And the thing that struck me was that you
19 were very thoughtful about focusing on local
20 problems.

21 So, I guess I would like to ask you -- and
22 local institutions, your legislature, your attorney
23 general -- I guess my question to you is have you
24 thought about next steps to try to get those things
25 implemented, your recommendations implemented?

1 MR. O'BRIEN: Yes. Thank you,
2 Commissioner. Yes, we have.

3 We have actually sent this material to a
4 number of the state legislatures, particularly
5 those in charge of the committees, both on the House
6 and the Senate side here in Wyoming that deal with
7 these issues.

8 But we also have met with the Governor's
9 Office and we've been talking with the Wyoming
10 Realtors Association, who actually supports the
11 recommendation that there should be local
12 enforcement. And they're actually very much in
13 favor of the governor assigning the enforcement to
14 the Attorney General's Office so people can make
15 their complaints locally rather than have to go to
16 HUD.

17 So, there's really much hope that it
18 becomes part of the dialog over the next year when
19 the legislature next meets.

20 So, thanks for your question.

21 VICE CHAIR NOURSE: Thank you very much.

22 CHAIR GARZA: Are there any other questions
23 from Commissioners? All right, hearing none.

24 Chair O'Brien, just a quick comment. I
25 mean, I think housing discrimination is something

1 that is pervasive across the country. And I commend
2 you all for looking into this particular issue and
3 identifying some real solutions here. I think that
4 distance that folks would have to travel to even
5 make a complaint is a burden. It's a hard burden
6 to overcome.

7 And we have seen other State Advisory
8 Committees look into this issue in the past and have
9 identified different issues around discrimination
10 and the ability to correct that discrimination.

11 So, thank you for your work on the State
12 Advisory Committee and in putting this report
13 forward. Do you have any last minute thoughts
14 before we go ahead and move on?

15 MR. O'BRIEN: Thank you very much for
16 listening to this presentation. I appreciate the
17 great work of the Commission.

18 CHAIR GARZA: Great. Well, thank you very
19 much.

20 All right. We are going to go ahead and
21 move forward with our agenda.

22 B. DISCUSSION AND VOTE

23 ON STATE ADVISORY COMMITTEE APPOINTMENTS

24 CHAIR GARZA: Our next agenda item is a
25 discussion and vote on the members of the

Commission's State Advisory Committees.

To begin the discussion, I am going to move to appoint the following people to serve as members of the following Advisory Committees:

For Tennessee, Brandon Smith as Chair, along with appointees Nicholas Barry, Gale Jones Carson, Larry Crain, Luke Cymbal, Chicoya Smith Gallman, Kathleen Harms, William Terry Ladd, III, William Morgan, Denise Smith-Martinez, Kyontha Nelson, Murial Malone Nolen, Kimberly Whitaker, Stelle Marie Yarbrough.

For Wisconsin, Pooja Bambha-Arora as Chair along with appointees Matthew Fernholz, Jennifer Herzog, Elisabeth Lambert, Alexander Lemke, M. Scott Niederjohn, Rachel Sattler, Kathrine (Casey) Steinau, John (JD) Tripoli, Nicholas Truog, Judith Wade, Ryan Walsh.

All of these members will serve as uncompensated government representatives.

And if the motion passes, the Commission will authorize the staff director or his designee to execute the appropriate paperwork for the appointment.

Do I have a second for this motion?

COMMISSIONER HERIOT: I second. Gail

1 Heriot.

2 CHAIR GARZA: Seconded by Commissioner

3 Heriot. Thank you.

4 A motion has been made and properly
5 seconded.

6 Is there any discussion on this?

7 All right. Hearing none, we are going to
8 go ahead and proceed to a roll call vote.

9 And I believe, I believe Commissioner
10 Kirsanow has joined us. Is that correct?

11 COMMISSIONER KIRSANOW: Correct.
12 Correct, Madam Chair.

13 CHAIR GARZA: Great.

14 Okay. So, we're going to proceed to a roll
15 call vote. So, please response with yes, if you
16 are in favor; no, if you are opposed. And indicate
17 if you are abstaining.

18 We are going to start with Vice Chair
19 Nourse.

20 You're muted, Victoria.

21 VICE CHAIR NOURSE: Did you hear my yes?

22 CHAIR GARZA: No. Well, I heard it now.
23 So, Vice Chair, Vice Chair Nourse votes
24 yes.

25 Commissioner Adams?

1 COMMISSIONER ADAMS: No.

2 CHAIR GARZA: Commissioner Gilchrist?

3 COMMISSIONER GILCHRIST: Gilchrist

4 abstains.

5 CHAIR GARZA: Commissioner Heriot?

6 COMMISSIONER HERIOT: Yes.

7 CHAIR GARZA: Commissioner Jones?

8 COMMISSIONER JONES: Abstain.

9 CHAIR GARZA: Commissioner Kirsanow?

10 COMMISSIONER KIRSANOW: Yes.

11 CHAIR GARZA: Commissioner Magpantay?

12 COMMISSIONER MAGPANTAY: I vote yes.

13 CHAIR GARZA: Okay. And I abstain.

14 I believe this -- hold on one second.

15 The motion passes with three yeses -- I'm
16 sorry, four yeses, three abstentions, and one no.

17 Two abstentions and one no. I apologize.

18 MR. GANZ: No, there were, Madam Chair,
19 there were three abstentions.

20 CHAIR GARZA: Were there three?

21 COMMISSIONER ADAMS: There were three.

22 Yes, Madam Chair.

23 CHAIR GARZA: There's four yeses, three
24 abstentions, correct, and one no.

25 Does the motion -- the motion passes, that

1 could be a --

2 COMMISSIONER ADAMS: Parliamentary inquiry
3 on that to the parliamentarian whether it does?

4 CHAIR GARZA: Yes.

5 COMMISSIONER ADAMS: Sorry about that.

6 CHAIR GARZA: That's okay. Thank you for
7 that.

8 MR. GANZ: This is David.

9 Yes, so, generally the Commission when an
10 abstention is made it lowers the total. So, it
11 results in a 4 to 1. It would pass 4 to 1.

12 It's lowering the total amount.

13 CHAIR GARZA: Yes. So, then the motion
14 does pass 4 to 1.

15 Is that correct?

16 MR. GANZ: Yes.

17 CHAIR GARZA: Okay. All right, motion
18 passes, four in favor, one opposed, three
19 abstentions.

20 Congratulations to our new Advisory
21 Committee members. These committees help make sure
22 people in communities across the country are heard
23 and that civil rights stay a key part of important
24 decisions.

25 So, I know we all look forward to the

1 meaningful contributions of this new cohort and in
2 making and advancing equity, fairness, and justice
3 for all.

4 C. DISCUSSION AND VOTE ON THE PLANNING DOCUMENTS
5 FOR THE 2026 STATUTORY ENFORCEMENT REPORT
6 ON THE FEDERAL RESPONSE TO THE RISE IN
7 ANTISEMITISM ON AMERICAN COLLEGE AND
8 UNIVERSITY CAMPUSES, AND THE 2026 BRIEFING
9 REPORT ON MENTAL HEALTH IN THE JUVENILE
10 JUSTICE SYSTEM

11 CHAIR GARZA: Moving on, our next business
12 on the agenda is a vote on the planning documents
13 for the 2026 Statutory Enforcement Report on The
14 Federal Response to the Rise in Antisemitism on
15 American College and University Campuses; and the
16 2026 Briefing Report on Mental Health in the
17 Juvenile Justice System.

18 I move to adopt the planning documents,
19 which include the research plan, outline, and
20 timeline for both reports. And I will repeat the
21 titles:

22 The 2026 Statutory Enforcement Report on
23 The Federal Response to the Rise in Antisemitism
24 on American College Campuses and University
25 Campuses;

1 And the 2026 Briefing Report on Mental
2 health in the Juvenile Justice System.

3 Do we have a second?

4 VICE CHAIR NOURSE: Second.

5 COMMISSIONER JONES: This is Commissioner
6 Jones.

7 VICE CHAIR NOURSE: Second.

8 CHAIR GARZA: It was seconded by Vice Chair
9 Nourse.

10 So, we have a motion that has been properly
11 made and seconded.

12 Is there any discussion?

13 COMMISSIONER JONES: Madam Chair, this is
14 Commissioner Jones.

15 CHAIR GARZA: Commissioner Jones, you're
16 recognized.

17 COMMISSIONER JONES: I just want to take
18 a moment to thank everyone who has made this work
19 possible.

20 As far, you know, since we voted to
21 undertake this investigation into antisemitism on
22 American college and university campuses I have been
23 really thrilled by the bipartisanship that has been
24 shown between myself and Commissioner Kirsanow on
25 a bipartisan basis.

1 And I know that our respective Special
2 Assistants Irena and Carissa have been doing really
3 yeomen's work and working on OCRE and various
4 stakeholders around the country to make sure that
5 we get the best possible work product.

6 Obviously, I'm looking forward to working
7 with the Department of Education and Justice, as
8 well as the ten universities that we have decided
9 to highlight in this ultimate report, and
10 investigation that precedes it. And I'm just
11 looking forward to learning as much as possible from
12 the experts --government officials, obviously the
13 impacted students and parents and, of course, here
14 in a variety of viewpoints when it concerns at times
15 really thorny issues that implicate constitutional
16 law.

17 So, just, just wanted to say how pleased
18 I am with the trajectory of this. And, as always,
19 really grateful to be working on something on a
20 bipartisan basis.

21 CHAIR GARZA: Thank you for those comments,
22 Commissioner Jones.

23 Commissioner Kirsanow? I want to make
24 sure to give you the opportunity as well.

25 COMMISSIONER KIRSANOW: Yes, I do.

1 Thanks, Madam Chair.

2 I want to echo everything that
3 Commissioner Jones had to say. I'd like to thank
4 him for his bipartisanship in working on this very
5 important project.

6 At least anecdotally, more than
7 anecdotally we have heard of a prodigious steep rise
8 in antisemitism on college campuses. To the extent
9 there is such a rise, and to the extent it's been
10 fueled by conditions or factors that have not
11 previously been explored I think this offers us an
12 opportunity to do a deep dive into such factors and
13 look at specific universities that represent a
14 cross-section of the United States of America's
15 educational system.

16 So, I think this is very important, it's
17 timely, it's something that's currently in the news
18 on a regular basis, not just simply something that
19 we should seek because or work on because of the
20 public nature of it, but because it is a serious
21 problem.

22 So, thanks to all involved, in particular
23 Carissa, Irena, and Commissioner Jones.

24 CHAIR GARZA: Thank you, Commissioner
25 Kirsanow.

1 I do want to make a few comments on the
2 Briefing Report on Mental Health in Juvenile
3 Justice, in the Juvenile Justice System.

4 I do want to thank especially my Special
5 Assistant Yvesner Zamar for all of the work that
6 he did with the special assistants to work on this
7 project, OCRE, and helping shape what that
8 investigation may look like.

9 I just want to also name that this
10 investigation really was informed by what was
11 brought to us by the State Advisory Committee in
12 Texas. And I may have a bias, because I am a Texan,
13 but I also care very deeply about children and
14 children's issues. I think that we should be doing
15 better by our young people. They are the future.

16 I know that sounds anecdotal but it is the truth.

17 And I think, you know, as I listen to the
18 comments from my fellow Commissioners on the
19 antisemitism investigation, this really is about
20 the future. This is about students, it's about
21 young people, and it's about ensuring that we are
22 protecting the civil rights of this next generation.

23 So, I am very pleased with the work that
24 we are doing as a whole, and very excited about
25 moving these investigations forward. And I think

1 this will be the first time we're absolutely ready
2 for the next fiscal year.

3 So, I look forward to continuing the work
4 that we have already been doing on a bipartisan
5 basis, and putting forward these investigations and
6 making in the future some recommendations as to how
7 do we address these issues.

8 So, if there are no other comments from
9 other folks, we can go ahead and move to a roll call
10 vote. But I'll pause if anybody else would like
11 to be recognized.

12 Hearing no or seeing no hands up, we're
13 going to go ahead and proceed to a roll call vote.

14 So, please respond with yes, if you are
15 in favor; no, if you are opposed; and please indicate
16 if you are abstaining.

17 We are going to go ahead and start with
18 Vice Chair Nourse.

19 VICE CHAIR NOURSE: Yes.

20 CHAIR GARZA: Commissioner Adams?

21 COMMISSIONER ADAMS: Yes.

22 CHAIR GARZA: Commissioner Gilchrist?

23 COMMISSIONER GILCHRIST: Yes.

24 CHAIR GARZA: Commissioner Heriot?

25 COMMISSIONER HERIOT: I vote yes.

1 CHAIR GARZA: Commissioner Jones?

2 COMMISSIONER JONES: Yes.

3 CHAIR GARZA: Commissioner Kirsanow?

4 COMMISSIONER KIRSANOW: Yes.

5 CHAIR GARZA: Commissioner Magpantay?

6 COMMISSIONER MAGPANTAY: Yes. This is
7 Glenn.

8 CHAIR GARZA: And I vote yes.

9 Thank you all so much. The motion passes
10 with eight votes in favor, no opposed, and no
11 abstentions.

12 Congratulations. And I look forward to
13 working with all of you on these investigations.

14 D. DISCUSSION AND VOTE ON 2025 STATUTORY
15 ENFORCEMENT REPORT: THE FEDERAL RESPONSE
16 TO TEACHER SHORTAGE IMPACTS ON
17 STUDENTS WITH DISABILITIES

18 CHAIR GARZA: The next item on our agenda
19 is a discussion and vote on the Commission's 2025
20 Statutory Enforcement Report entitled The Federal
21 Response to Teacher Shortage Impacts on Students
22 with Disabilities.

23 I move that we approve the report entitled
24 The Federal Response to Teacher Shortage Impacts
25 on Students with Disabilities.

1 Is there a second?

2 COMMISSIONER GILCHRIST: Madam Chair,
3 Gilchrist, second.

4 CHAIR GARZA: Wonderful.

5 A motion has been made and properly
6 seconded.

7 We're going to go ahead and go into
8 discussion. But before, and I know, Commissioner
9 Gilchrist, you probably have some comments, but I
10 wanted to make some comments as a starting point.

11 First of all, thank you so much for leading
12 on this investigation, Commissioner Gilchrist.
13 The issue is, as you know, it is very deeply personal
14 for me.

15 It's been no secret my oldest brother Robby
16 was a special education student in a rural border
17 community here in Texas. And I saw firsthand how
18 much of a difference a qualified, compassionate
19 teacher, teacher's aides, and staff made in his
20 life, and the difference it can make in so many
21 others' lives.

22 So, the teacher shortage crisis isn't just
23 an education issue, it's a civil rights issue. It
24 impacts all students, but none more than those who
25 already face challenges and barriers, students just

1 like my brother Robby, students with disabilities,
2 students of color, students of high poverty
3 communities. And even before the pandemic, schools
4 in rural and underserved areas were struggling to
5 find and keep teachers. COVID-19 only made those,
6 only made those things worse.

7 So, there's an urgent need to address the
8 lack of special education teachers and the support
9 staff that we depend on. Without them, too many
10 students are left without the services that they
11 are entitled to under the law. And too often
12 classrooms are led by teachers without full
13 certification, and schools are forced to rely on
14 emergency hires or long-term substitutes just to
15 stay afloat.

16 The pressures on educators -- heavy
17 workloads, low pay, and growing demands -- are
18 driving people out of the profession. And the
19 efforts to recruit and retain teachers still fall
20 short of what's needed.

21 So, if we're serious about equity, we have
22 to invest in growing and supporting the educator
23 workforce through better data, stronger pipelines,
24 and targeted support for the schools that need it
25 the most.

1 So, again, I really want to thank
2 Commissioner Gilchrist for leading this important
3 work.

4 And thank you to the Commission staff for
5 their tireless efforts to bring this report to life,
6 specifically OCRE. Thanks so much for all that
7 you've done.

8 Commissioner Gilchrist, I do want to turn
9 to you. So, if you'd like to be recognized, please,
10 please go ahead and speak.

11 COMMISSIONER GILCHRIST: Madam Chair,
12 thank you so much for that.

13 And let me thank you for that personal
14 testimony. I think any time we have an opportunity
15 to make real what we do on this Commission it is
16 extremely important.

17 And I, too, want to thank all of our
18 Commissioners for their diligence in this work, our
19 staff, my Special Assistant Thomas Simuel, and all
20 of the Special Assistants that weighed into this.

21 I certainly want to thank you for that.

22 You know, these students have much to
23 order. And I think when we equip them with the tools
24 to succeed, we're not only enhancing their lives,
25 as you described, Madam Chair, but we're enhancing

1 the family lives. And we're also strengthening our
2 communities.

3 And I just believe that empowering
4 students helps to contribute to both what type of
5 workforce environment we're having, what type of
6 innovation we're bringing into our education
7 systems, and to create more opportunities.

8 And so, this report in many ways helps to
9 really put a special focus on our special needs
10 students across this country. And I believe this
11 Commission's report, support of this report will
12 help further inform not only the Executive Branch
13 and our Congress but the American people.

14 And so, with that, Madam Chair, again I
15 want to thank this Commission. I want to thank the
16 staff, OCRE, for their work in this report as well.

17 And I certainly look forward to adoption.

18 Thank you.

19 CHAIR GARZA: Thank you, Commissioner
20 Gilchrist.

21 Are there any other Commissioners who
22 would like to be recognized?

23 I see Commissioner Magpantay. You are
24 recognized.

25 COMMISSIONER MAGPANTAY: I just want to --

1 this is Glenn Magpantay -- I just want to thank
2 Commissioner Gilchrist and Rochelle. These
3 reports are critically important.

4 I remember during the pandemic the
5 onslaught of news articles that came out about
6 parents of students with disabilities who were
7 challenged during the pandemic with remote
8 learning. It broke my heart to see those stories.

9 I was delighted to also see a number of
10 our SACs by all the news there. But a number of
11 our SACs took this up as an issue and in their states.

12 And I am delighted, proud that this is now coming
13 up to the Federal Commission.

14 Commissioner Gilchrist, I applaud you on
15 this work. I support this report strongly. Thank
16 you. It is a critical issue today.

17 COMMISSIONER GILCHRIST: Thank you,
18 Commissioner.

19 CHAIR GARZA: And that was Commissioner
20 Gilchrist.

21 Well, thank you, guys. I think, I think
22 everybody is ready to go ahead and move this forward.

23 Unless there are any last minute comments from
24 folks, we can go ahead and take a vote.

25 Okay. So, please response with yes, if

1 you are in favor; no, if you are opposed; and if
2 you are abstaining, indicate you're abstaining.

3 We're going to start with Vice Chair
4 Nourse.

5 VICE CHAIR NOURSE: Yes.

6 CHAIR GARZA: Commissioner Adams?

7 COMMISSIONER ADAMS: Yes.

8 CHAIR GARZA: Commissioner Gilchrist?

9 COMMISSIONER GILCHRIST: Yes.

10 CHAIR GARZA: Commissioner Heriot?

11 COMMISSIONER HERIOT: I vote yes.

12 CHAIR GARZA: Commissioner Jones?

13 COMMISSIONER JONES: Yes.

14 CHAIR GARZA: Commissioner Kirsanow?

15 COMMISSIONER KIRSANOW: Yes.

16 CHAIR GARZA: Commissioner Magpantay?

17 COMMISSIONER MAGPANTAY: Yes. I vote
18 affirmative. This is Glenn.

19 CHAIR GARZA: And I vote yes.

20 The motion passes with eight votes in
21 favor, none opposed, and no abstentions.

22 Congratulations. I look forward to
23 seeing the publication.

24 III. STAFF DIRECTOR'S REPORT

25 MANAGEMENT AND OPERATIONS

1 CHAIR GARZA: All right. Moving on to our
2 final agenda item, our Acting Deputy Staff Director
3 Marik Xavier-Brier. We're going to go ahead and
4 turn to you now for the monthly Staff Director's
5 Report.

6 The floor is yours.

7 MR. XAVIER-BRIER: Good morning,
8 Commissioners. In the interest of time, I have
9 nothing further to add than what's already contained
10 within the report.

11 But if anyone has any questions about the
12 materials, please let me know. Thank you.

13 COMMISSIONER MAGPANTAY: Madam Chair.

14 CHAIR GARZA: Commissioner Magpantay, you
15 are recognized.

16 COMMISSIONER MAGPANTAY: Acting Staff
17 Director, thank you for the work that you have done
18 in this time.

19 Maybe just ask, so, last month we delivered
20 to Congress our FY '26 budget and budget request
21 for the Commission. Can I just get an update on
22 that process?

23 I'm sorry I didn't give you a heads-up
24 earlier. On that process and moving the
25 Commission's budget together for next year because

1 we are putting preliminary reports to do next year,
2 and I want to make sure that we have the resources
3 to advance those studies and those investigations.

4 MR. XAVIER-BRIER: So, I'm not sure I
5 understand your question, Commissioner?

6 COMMISSIONER MAGPANTAY: What's the update
7 on the budget? What's the update on the status of
8 our budget request to Congress for funding for the
9 Commission next year?

10 MR. XAVIER-BRIER: We have published our
11 budget justification on our website. And so, we
12 will, I will double check it in terms of where we
13 are with everything.

14 But as far as I know, we are in the
15 President's request for FY 2026.

16 COMMISSIONER MAGPANTAY: Very good. It's
17 delighted to hear that we have the President's
18 support for the Commission and the studies that we
19 do here. And looking forward to working with
20 Congress fighting for the Commission.

21 Thank you.

22 MR. XAVIER-BRIER: Thank you.

23 CHAIR GARZA: Okay.

24 MR. GANZ: This is David Ganz.

25 Just, I want to note on the record that

1 under OMB Circular A-11, Section 22, communication
2 with the OMB and Congress, and generally budget,
3 budget deliberations are confidential. So, just
4 as a reminder.

5 COMMISSIONER ADAMS: Madam Chair, Adams.

6 CHAIR GARZA: Yes, Commissioner Adams?

7 COMMISSIONER ADAMS: I think this is in the
8 Staff Director's Report, I assume, what the General
9 Counsel just said. I have a question regarding
10 that.

11 Confidential to whom? Confidential to
12 the general public, or confidential to
13 Commissioners, or confidential to other staff?
14 What is the reach of the confidentiality?

15 MR. GANZ: Just, you know, just looking at,
16 you know, the text of the A-11 Circular, it notes,
17 you know, it can't be released to the public.

18 COMMISSIONER ADAMS: And follow-up,
19 please. Would the public, would a Commissioner be
20 considered a member of the public?

21 MR. GANZ: Not generally.

22 COMMISSIONER ADAMS: Ever?

23 MR. GANZ: I mean, I don't think so.

24 COMMISSIONER ADAMS: That's all I have.

25 Thank you.

1 CHAIR GARZA: All right.

2 COMMISSIONER MAGPANTAY: This is
3 Commissioner Magpantay. Sorry, please.

4 COMMISSIONER JONES: I was going to say --
5 okay.

6 CHAIR GARZA: Commissioner Jones, would you
7 like to be recognized?

8 COMMISSIONER JONES: Yes, please.

9 Does the General Counsel have an
10 understanding of what the basis, what the source
11 of law is for that confidentiality? Is it the
12 executive privilege, or is he just reading from a
13 circular and sort of taking it at face value?

14 MR. GANZ: I mean, I think it's
15 deliberative, it's pre-decisional. Beyond that
16 I'm just looking at the face value of the circular.

17 I've always interpreted it, and I think
18 others interpret it as pre-decisional or
19 deliberative process privilege.

20 COMMISSIONER JONES: Okay.

21 CHAIR GARZA: I'm going to interject here.

22 This is Chair Garza.

23 You know, I think we can make a request
24 for the General Counsel to provide us with a brief
25 on this, if that works.

1 COMMISSIONER JONES: I would appreciate
2 that, Madam Chair.

3 CHAIR GARZA: Okay. All right, well then
4 --

5 COMMISSIONER MAGPANTAY: Put the
6 clarification on the record. The deliberations,
7 the internal deliberations that Congress might
8 take, or whoever, are confidential. That's fine.

9 I will request to the Congress if it
10 conforms to OMB, Mr. Voight's and the President's
11 message to us has been delivered and is publicly
12 on our website and is publicly being communicated
13 to Congress.

14 I don't think David just said that we
15 cannot notice publicly that we are asking for
16 funding that has been supported by OMB, Mr. Voight,
17 the President. That has been deliberated by
18 Congress. And the public should be supportive of
19 that budget request in their interactions with their
20 elected officials.

21 That is just to clarify this. But I do
22 understand that certain deliberations are internal
23 and confidential. We look forward to your memo,
24 as Mr. Adams said, on the scope of those, on that
25 confidentiality in the notice that read.

1 Thank you. And thank you for your
2 service, Marik and David.

3 CHAIR GARZA: Okay. Well, I believe that
4 concludes the business on the agenda for today's
5 Business Meeting.

6 IV. ADJOURN MEETING

7 CHAIR GARZA: So, if we have nothing
8 further, we're going to go ahead and adjourn the
9 meeting at 10:46 a.m. Eastern Time.

10 Thank you all so much for the wonderful
11 meeting and hope you have a wonderful weekend.

12 (Whereupon, the above-entitled matter
13 went off the record at 10:46 a.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings; and that I am neither counsel for, related to, nor employed by any of the parties to this action in which this matter was taken; and further that I am not a relative nor an employee of any of the parties nor counsel employed by the parties, and I am not financially or otherwise interested in the outcome of the action.

A handwritten signature in cursive script, reading "Neal R. Gross", is written over a horizontal line.

Court Reporter

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