U.S. COMMISSION ON CIVIL RIGHTS

BUSINESS MEETING

FRIDAY, JANUARY 13, 2017

The Commission convened in Suite 1150 at 1331 Pennsylvania Avenue, Northwest, Washington, D.C. at 10:00 a.m., Catherine Lhamon, Chair, presiding.

PRESENT:

CATHERINE E. LHAMON, Chair
PATRICIA TIMMONS-GOODSON, Vice Chair
DEBO P. ADEGBILE, Commissioner
GAIL HERIOT, Commissioner
PETER N. KIRSANOW, Commissioner*
DAVID Kladney, Commissioner
KAREN K. NARASAKI, Commissioner
MAURO MORALES, Staff Director
MAUREEN RUDOLPH, General Counsel

* Present via telephone
STAFF PRESENT:
ROBERT AMARTEY
LASHONDRA BRENSON
BARBARA DE LA VIEZ
PAMELA DUNSTON, Chief, ASCD
LATRICE FOSHEE
ALFREDA GREENE
JENNIFER HELPER, Parliamentarian
JEFF KNISHKOWY
JOHN RADCLIFFE
MICHELE RAMEY
BRIAN WALCH
MARIK XAVIER-BRIER

COMMISSIONER ASSISTANTS PRESENT:
SHERYL COZART
JASON LAGRIA
CAISSA MULDER
AMY ROYCE
ALISON SOMIN
IRENA VIDULOVIC
Welcome and Introduction............................4
Approval of Agenda.....................................7

Business Meeting
OCRE Program Planning Discussion....................9
Update on Status of 60th Anniversary Plans..........25
Indiana SAC Report: School to Prison Pipeline.........28
Management and Operations Report.................60
Adjourn...................................................68
P R O C E E D I N G S

(10:02 a.m.)

CHAIR LHAMON: I'll call this meeting of the U.S. Commission on Civil Rights to order at, I think it is 10:02 on January 13th, 2017. We are having this meeting take place at our Commission headquarters, which is at 1331 Pennsylvania Avenue, N.W., Washington, DC. I'm chair Catherine Lhamon. That's my gavel used for the first time.

In addition to me, Commissioners who are present at this meeting are Vice Chair Timmons-Goodson, Commissioner Heriot, Commissioner Narasaki, Commissioner Kladney and Commissioner Adegbile. Commissioner Kirsanow is joining us by phone.

Do we know if Commissioner Kirsanow is on the phone? He can announce himself when he joins us. Is the court reporter present? She is. Is our staff director, Mr. Mauro Morales, present?

MR. MORALES: I am present.

CHAIR LHAMON: Terrific. The meeting now comes to order. Before we approve the agenda, I understand that the Vice Chair has a few words to say.

VICE CHAIR TIMMONS-GOODSON: Good morning, all. I want to take this opportunity to welcome our two newest Commissioners, Debo Adegbile and
Catherine Lhamon, both of whom have in the words of President Obama a demonstrated knowledge and dedication throughout their careers.

Commissioner Adegbile comes to us with a distinguished civil rights career. He was counsel and director, among other positions, at the NAACP Legal Defense and Educational Fund, and senior counsel for the U.S. Senate Judiciary Committee.

Currently, he’s a partner at the prestigious law firm of Wilmer Cutler Pickering Hale and Dorr. He's argued cases before the U.S. Supreme Court and often speaks about the Supreme Court and anti-discrimination law topics. We welcome you, Commissioner Adegbile.

COMMISSIONER ADEGBILE: Thank you.

VICE CHAIR TIMMONS-GOODSON: Chairman Lhamon also comes to us with a distinguished civil rights career. Since 2013, she's served as Assistant Secretary of the Office of Civil Rights at the U.S. Department of Education. She was an attorney and legal director, among other positions, at the Southern California ACLU.

She has served as director of Impact Litigation at Public Counsel, that I understand is the nation's largest pro bono law firm. With such a
breadth and depth of civil rights knowledge, there's no doubt that Commissioner Adegbile and Chair Lhamon will be fine additions to this Commission.

Now following the appointment in December of last year, President Obama designated Catherine Lhamon our chair. Her fellow Commissioners unanimous confirmed that appointment.

Chairman Lhamon, we are and believe that you're going to be an exceptional leader in the finest tradition of this great Commission, and together we're all going to work to ensure that the Commission continues to be a vital part of the efforts to make an America that is truly equal.

So again, on behalf of the Commission, we all welcome you and look forward to working with you on important civil rights matters on behalf of the American public.

CHAIR LHAMON: Thank you very much.

VICE CHAIR TIMMONS-GOODSON: Having said that, I don't know if you want to say anything or reserve your remarks for later or what. But just know that you are welcome.

CHAIR LHAMON: Well, I will say thank you very much for those remarks.

Commissioner Adegbile, do you have
anything else?

COMMISSIONER ADEGBILE: So I just wanted to begin with a thanks for being here and being your colleague, and a thanks to the folks that make these meetings happen.

Every agency has people that keep it running and I'd like to thank Ms. Dunston and Tina Louise Martin, Mauro Morales, our wonderful general counsel Maureen, and I look forward to collaborating with each of you and to serving on the Commission in service of the American people. Thank you.

APPROVAL OF AGENDA

CHAIR LHAMON: Thank you, thank you. So we will now begin approval of the agenda. I understand that before we actually consider approval of the agenda, we may have a few amendments. Are there any amendments to the proposed agenda?

COMMISSIONER KLADNEY: Yes, Madam Chair. Dave Kladney here. I'd like to amend the agenda as is written to ask that we seek approval of the letters that the Michigan SAC requested us to send that were circulated by my office, as well as the North Dakota Freedom of Information Act letters that my office also circulated, I think, to all the Commissioners. Thank you.
CHAIR LHAMON: Is there a second?

COMMISSIONER NARASAKI: I second.

CHAIR LHAMON: Terrific, thank you. Do you have any -- oh, we should vote on -- do you have any other amendments. Yes.

COMMISSIONER NARASAKI: Thank you Madam Chair. I would like to add to the agenda a discussion vote on the disposition of the State Immigration and Civil Rights of Vets reports, and also to clarify the vote that we took on the HITECH report.

COMMISSIONER KLADNEY: I'll second that motion.

CHAIR LHAMON: Okay. Do we have any other amendments?

COMMISSIONER KLADNEY: We can do that later.

CHAIR LHAMON: Okay. So no other amendments? Okay. Do we have a motion to approve the agenda, as amended?

VICE CHAIR TIMMONS-GOODSON: So moved.

COMMISSIONER KLADNEY: I'll second.

CHAIR LHAMON: Terrific. So let's go ahead with the vote. If there are no further amendments, let's vote to approve it. All those in favor say aye?
(Chorus of ayes.)

CHAIR LHAMON: Any opposed? Any abstentions?

(No response.)

CHAIR LHAMON: Looks like we have unanimous approval of the amended agenda. So why don't we now start with our agenda items.

PROGRAM PLANNING

OCRE PROGRAM PLANNING UPDATES

CHAIR LHAMON: First, we'll talk about program planning, and I understand we have four agenda items under discussion now for program planning. The OCRE Program Planning discussion and vote. Should we start there?

COMMISSIONER KLADNEY: Madam Chair, I believe it's in order to consider what Commissioner Narasaki has requested, in terms of consideration of changing two of the reports, and I believe the general counsel and head of our OCRE, Maureen Rudolph, has recommended three dates for planning for the briefings.

She wants to hold a telephonic meeting in another week or two to get into more detail as to her rationale and what the status of those reports are, because I know those are the top consideration of Commissioners. Certainly, she's added additional
staff and she's working through assignment of the
topics and will come forward in a few weeks in terms
of -- a week or so, when she has communication with all
of you as to what the schedule for those reports are.

So I believe Commissioner Narasaki has
made her motion to look at two of those reports. So
I'll defer to Commissioner Narasaki at this time.

COMMISSIONER NARASAKI: Thank you. So we
-- the Vice Chair had asked actually the general counsel
to provide some thoughts about how to clear out our
backlog of reports, and she recommended that the report
for the Veterans and State Immigration hearings be the
release of existing briefing transcripts, because both
of those hearings were over three and four years ago.

In the case of the State Immigration
hearing, there has been a lot of litigation in the
intervening years that has pretty much mooted out 90
percent of that report. So we think it is not the best
use of resources, because we'd basically have to start
over.

The other report, the veterans report, is
also very extensive. A lot has taken place again, with
the agencies involved. We think that the topics raised
were very good topics and important to get out into the
public, because they do reflect some ongoing issues
that are relevant for what vets face today. So we would
like to get the transcripts out for the public to have.

Then the third thing that I wanted to do
was it was brought to my attention that the transcript
around our vote on the HITECH report was not clear.

When I offered that, the intention was to
say that we would consider that report subject to having
sufficient capacity. By that, we had talked about the
fact that we did have a large backlog of reports, that
we were bringing on new staff, and we wanted to make
sure that we had sufficient attention to get those
quality reports out.

So what I would like to also include is my
intent was not to actually move forward on that report,
but at a later time, after we had a sense of where we
could get to with the backlog and with the reports that
we had already approved, to consider it at that time.

CHAIR LHAMON: Thank you.

COMMISSIONER NARASAKI: So that's
basically my motion, is to -- sorry -- is to make the
State Immigration report and Veterans, Rights of
Veterans report, just the release of transcripts, and
to clarify that the HITECH briefing will be revisited
at a later time, once we have a better sense of where
we are in terms of our staff capacity.
COMMISSIONER KLADNEY: I'll second that motion.

CHAIR LHAMON: Okay. Why don't we go ahead and -- sorry, do you have something to say?

COMMISSIONER HERIOT: May I just add one thing about one thing about HITECH, and I don't know whether this fits in the -- I'm sorry. I don't know if this fits in well with what we're doing right now, but I just want to say it.

You know, there was a talk a few years ago that like we shouldn't have a meeting in August because Washington is dead in August, and I just wanted to put forward the point, the opposite point, and that is because things are always dead in August, we are a shoo-in for C-SPAN if we have a decent briefing in August, and therefore one thing we might want to keep in mind in the coming months, when we're trying to figure out when to schedule HITECH employment, August is a good month for that kind of thing.

CHAIR LHAMON: I'm certainly in favor of using all the time that we have as well as we can so --

COMMISSIONER HERIOT: Yeah. I'm in favor of using August specially, because we will get attention in August, because we are the only game in
MR. MORALES: May I opine on that? I just want to caution Commissioners to keep in mind that in August we are, you know, moving quickly to get out the annual statutory enforcement report, and we're also moving quickly to end the fiscal year. We have audit issues come up. So sometimes August may be a bit of a challenge, given some of our resource challenges here at the Commission.

But having said that, we'll take it under consideration and we'll advise you as we get closer to those dates. So thank you.

CHAIR LHAMON: Perfect. So I think we have a motion and a second. We should go ahead and vote on the motion. Vice Chairman Timmons-Goodson, how do you vote?

VICE CHAIR TIMMONS-GOODSON: I vote aye, yes.

CHAIR LHAMON: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Adegbile, how
do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: Sorry Commissioner Kladney, I skipped you. How do you vote?

COMMISSIONER KLASTNEY: Yes.

CHAIR LHAMON: And I vote aye. I believe that Commissioner Kirsanow still has not joined us?

COMMISSIONER KIRSANOW: I'm on the phone.

CHAIR LHAMON: Terrific. How do you vote?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Okay. So with one no and zero abstentions, the motion passes.

COMMISSIONER KLASTNEY: Madam Chair, I'd like to make a motion, following up on the program planning schedule. We have -- in March, we're going to have a hearing on fines and fees, and I have talked to the general counsel and we'd like -- I'd like to make a motion that we schedule collateral consequences, which was approved by the Commission for a hearing in May.

And then I would also like to make a motion that even though Women in Prison was scheduled for 2017, that we move that off to the next fiscal year, and then
as we move along we will figure out what we're going
to put in some other time like August maybe.

CHAIR LHAMON: It's a great month.

COMMISSIONER Kladney: That's my motion.

VICE CHAIR TIMMONS-GOODSON: I'll second

that motion.

CHAIR LHAMON: And I just want to clarify,

that you're making that motion in consultation with the
general counsel, so we have confidence about staff
capacity.

COMMISSIONER Kladney: Yes.

CHAIR LHAMON: Perfect, thanks. So with

a motion and a second, go ahead and vote. I'll try to
do our votes in order again this time. Vice Chair

Timmons-Goodson, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: Commissioner Kirsanow, how
do you vote?

COMMISSIONER KIRSANOW: Yes.

CHAIR LHAMON: Commissioner Heriot, how
do you vote?

COMMISSIONER HERIOT: Yes.

CHAIR LHAMON: Commissioner Kladney, how
do you vote?

COMMISSIONER Kladney: Yes.
CHAIR LHAMON: Commissioner Narasaki, how do you vote?

COMMISSIONER NARASAKI: Yes.

CHAIR LHAMON: Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: I vote yes as well. So that one was unanimous, thank you. Okay. So then given that last vote, do we need to vote on the 2017 briefing schedule or was that --

MR. MORALES: That was it.

CHAIR LHAMON: That was it. So we're good, okay. Then we're going to discuss and vote the Michigan SAC letter.

So Commissioner Kladney, will you lead our discussion?

COMMISSIONER KLANDNEY: Thank you. We had the Michigan SAC chair come speak to us about their latest, their latest report, and asked us to write letters to certain state folks. I believe Amy worked with the staff and got those letters written, and it was on civil rights and civil forfeiture.

Those letters have been circulated, and I would like to make a motion that we approve them and send them off to the appropriate people that they're
addressed to, per the request of the state of Michigan -- the Michigan State Advisory Committee.

CHAIR LHAMON: Thank you. In the middle of discussion, before I ask for a second, I might modify some of the text of the letters. It's, I think, just a little bit of editing, but I think we asked that the various recipients of the letters both review and implement the recommendations. I would like them to review and take necessary steps to assure civil rights.

So if folks are comfortable with that minor modification to the letters, I'd be comfortable with the motion.

COMMISSIONER Kladney: That's fine with me.

CHAIR LHAMON: Thank you.

COMMISSIONER Heriot: Now that might alter my plans here, because what I had thought that I would do is not sign on to this letter, but send like a separate letter that is a little bit less forward. I was concerned about the implement language as well.

But I actually think that I can write something that -- a separate letter, two paragraphs that would be helpful, to point out that this is an issue that is much more bipartisan than I think some of the issues that we deal with, and so I'm happy if you change
the language.

But I think I'm still going to write a separate letter, rather than this one, but it's basically going to be a supportive letter.

CHAIR LHAMON: Thank you.

VICE CHAIR TIMMONS-GOODSON: Well, I guess I'm a bit puzzled. So there would then be two letters coming from the Commission?

COMMISSIONER HERIOT: No. A letter from me and possibly Commissioner Kirsanow, saying that we basically and we also would like for the entities to review and think about the issues. I didn't agree with all the recommendations in the Michigan report. So I can't say review and implement. But I can say review and consider, and I think I can add some things that are not in the letter. So I think you're going to like my letter, Madam Vice Chair.

VICE CHAIR TIMMONS-GOODSON: Well, I'm a bit concerned about the Commission sending two pieces of correspondence relating to the same topic to any entity.

COMMISSIONER HERIOT: Well, it's not the Commission sending it. It is Commissioner Heriot sending it.

VICE CHAIR TIMMONS-GOODSON: Okay.
That's a bit clearer.

COMMISSIONER NARASAKI: May I ask a question?

COMMISSIONER HERIOT: Yes.

COMMISSIONER NARASAKI: So Commissioner Heriot, is it -- do you think it's not possible for us to work with you on trying to get one letter out, or --

(Simultaneous speaking.)

COMMISSIONER HERIOT: I don't see how we're going to be able to do it in this situation right here, you know. The words have to be thought about and it's not --

COMMISSIONER NARASAKI: No. What I was contemplating is maybe we wait and see if we could work out something.

COMMISSIONER HERIOT: Yeah. I'm happy with that.

COMMISSIONER NARASAKI: If you think that's possible. If you think --

COMMISSIONER HERIOT: Yes, I do think that's possible.

COMMISSIONER NARASAKI: You know us, so if you think it not possible, then we could go ahead.

COMMISSIONER HERIOT: Yeah. I think that
is possible.

CHAIR LHAMON: Terrific. We talked about having a telephonic meeting in about a week's time. So maybe we can add this to the agenda of the telephonic meeting, after we've had a chance to take a look at language.

COMMISSIONER HERIOT: Fine.

CHAIR LHAMON: Commissioner Kladney, this is your motion.

COMMISSIONER ADEGBILE: Can I raise one more question? One of the things I was thinking about as I read the letter is whether or not the letter is directed to the right people in the respective agencies, and there are certain people that actually have the responsibility for administering some of the programs.

So while I understand why the letter would be directed to the head of civil rights, because it raises civil rights concerns, it may be appropriate to send it to more than one recipient, so that there can be some internal conversation about the recommendations of the report and due consideration between the respective responsible parties at DOJ.

COMMISSIONER KLADNEY: I think that's a very good idea. We should include, I think,
legislative leaders as well because they actually wrote
the law. And I do agree that since this is my motion,
can we table it until we have our telephonic meeting,
and see if we can all get together and make this happen?
CHAIR LHAMON:  Surely.

COMMISSIONER KLADNEY:  Thank you.

MR. MORALES:  May I comment?  I'd like to
offer obviously our offices to work with special
assistants and try to come up with something that's
agreeable to all the Commissioners.  So we'll work, you
know, if that's amenable to the Commissioners. Thank
you.

CHAIR LHAMON:  I think we'd welcome that.
Thank you very much.  Okay. So next we will discuss
and vote on the information request for Standing Rock.
Commissioner Kladney, it turns to you again.

COMMISSIONER KLADNEY:  I believe Amy
Royce circulated a summary of her notes of what happened
out at Standing Rock.  I know that Commissioner Heriot
and her assistant were not on the trip, as well as
Commissioner Narasaki and two new Commissioners. The
Chair and Commissioner Adegbile were not there.

So we sent around that little summary.  I
didn't hear any objections to the summary or amendments
or anything like that, and I think it pretty well
summarized what occurred.

So as a result of our inability to get information from the government sources, as a result of them actually being involved in a lawsuit, I'm sure that's why they didn't want to give it up, I have drafted these two letters of FOIA requests, which I feel is the most unintrusive form of trying to seek additional information since we made the trip, and really spoke mostly with one side of this equation.

So I move that we approve these letters and send them off, and see if we get a response. Thank you.

CHAIR LHAMON: Okay. Any further discussion?

VICE CHAIR TIMMONS-GOODSON: Well, I would second the motion. I think one, if a second is needed.

CHAIR LHAMON: It is and welcome. Thank you. I think that Commissioner Heriot also had maybe some --

COMMISSIONER HERIOT: I just have, you know, a question here. I'm concerned about our jurisdiction issues here. I mean I haven't even heard allegations that any of this is motivated by race. Is there some evidence of that, something that gives us ability to do this jurisdictionally?
COMMISSIONER KLANDNEY: Commissioner Heriot, I'm not exactly sure whether this is a race only type of issue. There was a use of force. Like I said, we were focusing on the bridge incident that occurred on I believe it was November 20th. Are you familiar with that at all?

COMMISSIONER HERIOT: I know that there's a concern about a bridge that was closed down.

COMMISSIONER KLANDNEY: Right.

COMMISSIONER HERIOT: But what I -- you say that you don't know whether it's a race only. Is it a race any? I mean is there any evidence of race as being the motivation here? I mean where's our jurisdictional hook here?

COMMISSIONER KLANDNEY: Oh, I think it's excessive force on the evening of November 20th.

COMMISSIONER HERIOT: But what's the evidence that it was race related?

CHAIR LHAMON: I think there's no question that those allegations, that it was race related --

COMMISSIONER KLANDNEY: It's -- I'm sorry. I'm going blank right now, but an application of justice -- hold on just a second. That's it. Sorry. Administration of justice.

COMMISSIONER HERIOT: We have a
disagreement, then, about what our jurisdiction is. But the Chair was just saying that there's no question that there are allegations. Is there any evidence of it?

CHAIR LHAMON: Well, I think that's the reason I prefer for the request, is to be able to identify what evidence there is or is not. So this is not taking a position about the conclusion. It's about gathering information sufficient to be able to draw a conclusion.

COMMISSIONER HERIOT: I'll go, okay.

COMMISSIONER Kladney: Thank you.

CHAIR LHAMON: So we have a motion and a second. Is there any further discussion? So then we'll go down our vote. Vice Chair Timmons-Goodson, how do you vote?

VICE CHAIR TIMMONS-GOODSON: Yes.

CHAIR LHAMON: Commissioner Kirsanow, how do you vote?

COMMISSIONER KIRSANOW: No.

CHAIR LHAMON: Commissioner Heriot, how do you vote?

COMMISSIONER HERIOT: I vote yes.

CHAIR LHAMON: Commissioner Kladney, how do you vote?
COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Narasaki, how do you vote?

COMMISSIONER KLADNEY: Yes.

CHAIR LHAMON: Commissioner Adegbile, how do you vote?

COMMISSIONER ADEGBILE: Aye.

CHAIR LHAMON: I vote aye as well. So with one no, that motion passes. Next, I think we have an update from Brian Walch on the state of our 60th anniversary plans.

UPDATE ON STATUS OF 60TH ANNIVERSARY PLANS

MR. WAlCH: Thank you, Madam Chair, Vice Chair, staff director, Commissioners. The staff director asked me to give a brief update about where we stand on the 60th anniversary. We've undertaken a lot of preliminary planning, the internal group which includes myself and Alison, one of the special assistants and Barbara, one of our staff.

We were a little bit slowed down obviously because of the holidays, and we also lost one member of our planning team, Alec, who is no longer with the Commission and of course we miss him. But we do, I think one thing that we view as important to relay is the selection of a date.
There has been a lot of internal discussion about what month might be the best for the anniversary event, and I think we're looking towards November versus September, and there's a couple of reasons for this, and this would be obviously juxtaposed to a business meeting. The business meeting in November is the 17th.

There's a couple of challenges that exist before November, that we think November makes more feasible. There is end of work on the fiscal year, which always occupies a great amount of staff time, staff resources themselves, the statutory enforcement report that the staff director mentioned and possible budget challenges.

In terms of 1957, as you know the Commission was established by the Civil Rights Act in September of '57. So that would be the actual 60th anniversary. I think it's September 8th. But the Commission, and this is somewhat nuanced from what I can tell in the history. The entry and operations of the Commission was probably November of that year.

That's when I believe the slate of the final six first Commissioners was set up and things started. So I think November is, you know, there's a good hook in that sense. Obviously, the most important
thing is that we do it in 19 -- well, from 1957 that we do it in 2017.

We've got a couple of options under consideration of the timing, how we juxtapose it to the November 17th business meeting. We'll flesh that out a little more. Commissioner Narasaki, you mentioned the African-American Museum as a possibility in the last meeting and we are talking to them. We are talking to a couple of other venues, the National Press Club.

There's also obviously the consideration of here in the Commission because of budget resources. So that will be a little bit pending.

So to summarize, we will have a formal proposal with some elements to you all well in advance of the February 24th meeting, so you can take a look at it and I'll continue working with the internal planning team and staff and the staff director to make that happen. Thank you.

CHAIR LHAMON: Okay, thank you. Are there any discussion or questions?

(No response.)

CHAIR LHAMON: I appreciate the work. Thanks very much.

So next, I think we're turning to our advisory committees, and I believe we have a telephonic
presentation from the Indiana SAC Chair Diane Clements-Boyd on the report on the school to prison pipeline in Indiana.

Ms. Clements-Boyd.

STATE ADVISORY COMMITTEES

INDIANA SAC REPORT: SCHOOL TO PRISON PIPELINE

MS. CLEMENTS-BOYD: Yes. Good morning.

CHAIR LHAMON: Good morning.

MS. CLEMENTS-BOYD: To the Chair, Catherine Lhamon and the Commissioners, thank you for this opportunity. My name is Diane Clements-Boyd, and I have the privilege of serving as chairperson of the Indiana Advisory Committee. I had initially anticipated having Indiana Advisory Committee member Carlton Waterhouse on the call, but he does have a teaching conflict.

But nevertheless, if he's able to join at some point during this presentation, I have certainly invited him to do so. But I would be remiss if I did not take this opportunity to acknowledge and thank David Mussatt, Chief of the Regional Programs Unit and Melissa Wojnaroski, Civil Rights Analyst, administrative support Carolyn Allen and the Civil Rights interns Christina Rosales and Marshall Hatch.

They really made this a seamless process
for us, and it has been an extreme pleasure to work with such a knowledgeable, dedicated and professional group of individuals. But I also want to thank the members of the Indiana Advisory Committee for their extreme attention to detail with this report, and their commitment to civil rights in Indiana.

On March 19, 2015, the newly-appointed Indiana Advisory Committee convened in Indianapolis for a face-to-face meeting, to discuss preliminary matters as well as our mission and charge as an advisory board. Once we had an understanding of jurisdiction and scope of duties, Melissa led the group in a discussion on examples for projects.

Following that discussion, I asked each member to share with the group civil rights issues that in their opinion warranted further examination. We then entered into a discussion on current civil rights concerns for Indiana. Each member then identified one to three issues that he or she felt deserved the attention of the Advisory Committee.

Following that session, members were given an opportunity to provide a draft of a short project concept, describing their topic of interest. Members were allowed to send in multiple project concepts and provide a summary of that issue that they would propose
to study. But during all of that, what did seem to rise
to the top was the civil rights and the school to prison
pipeline in Indiana.

After hearing more about this phenomenon
and hearing the testimony, I am convinced that the
Committee made the right decision. Working on this
project has been one of the most meaningful endeavors
that I have had the privilege of working on.

Just to give you some background on how we
did arrive at the report, the Committee established a
subcommittee to draft a project proposal. The
subcommittee developed a depository of reports and
organizations that had relevant perspective. The
subcommittee had always had the benefit of reviewing
the Oklahoma Committee's approach, which we expressed
general agreement with that, and the only difference
was that Indiana decided to examine how school
discipline and policies impacted students with
disabilities. But we'll talk more on that later.

The next few months, the subcommittee
worked with the staff and interns on a draft proposal,
and identified potential panelists. The staff
presented the draft of the proposal on October of 2015,
and the first of two hearings was held on January 20th
of 2016, which was a web conference. The second
hearing was held on February 17th at Ivy Tech Community College in Indianapolis.

The Advisory Committee heard testimony from academics, community advocates, government liaisons, school administrators, educators and of course the general public. The testimony was compelling and the phenomena is complex. But what became apparent to me throughout this process and looking at it from a panoramic view is that this is certainly a problem with a lot of moving parts.

But at the end of the day, the utilization of school discipline policies and practices that results in taking away the opportunities for children to learn and achieve academically creates more damage than the average person would imagine.

What was reiterated throughout the testimony is a problem that disproportionately impacts African-American children, children with disabilities and the intersection of race, sex and disability. African-American males with disabilities are the most vulnerable and bear the brunt of school discipline policies and practices.

According to the testimony, academics have known about the over-representation of African-American students in school suspensions since
the work of the Children's Defense Fund in the 70's. But more recently, the U.S. Department of Education produced federal guidance on school discipline policies, and while the testimony indicated that the problem is gaining more attention, there is certainly more work to be done.

The Office of Civil Rights Data collected in 1973, as far as back as '73 indicated that African-American students were twice as likely to be suspended out of school. But now, fast forward, they're now three and a half times more likely than other students.

But this is also a problem with Latino students, which not necessarily is showing that same uptick in elementary. But by the time they hit middle school and high school they too are disproportionately affected by these policies.

Through the testimony, we found that African-American females are not exempt as well, and that there have been an increase as it relates to Indiana, where back in I think the statistics are from 2014, African-American females were fourth in the nation when it came to suspensions and out of school suspensions for African-American females, and for African-American males, second in the nation.
A lot of this testimony came from leading authorities on this issue, and I just really most recently outlined some of the findings presented by Russell Skiba, Director of the Equity Project at Indiana University, and he is the leading authority and his testimony was very useful in this process.

But one thing that we also know, that has been proven is that suspensions and expulsions have consistently been found to be ineffective. It's been proven and supported by the Psychological Association and others. But the rationale for the use of school discipline to keep schools safe and reduce disruption is really a myth, and that students suspended from school in elementary are more likely to be suspended from school in middle school, which makes them more at risk for the pipeline.

The research indicates that schools with high rates of suspensions and expulsions have a more poor school climate. Suspension and expulsions is a risk factor in which students become disengaged from school, and tend to have a higher dropout rate. Indiana is one of five states above the national average of out of school suspensions for all racial and ethnic groups.

So that was just an overview of some of the
findings of the report, and we also wanted to look at
this through a historical lens, and that really was
useful and putting this in the context of -- for race.

What the academics did share with us in
terms of this historical perspective is that this is
really something that started back after the
abolishment of slavery, where there were very
restrictive laws put in place to basically thwart the
progress that was being made by African-Americans as
a result of the abolishment of slavery.

That was the first wave, and then the
second wave was during the Great Migration, as
African-American families moved to northern cities
such as my own to look for a better way of life. These
opportunities didn't necessarily present themselves,
and what they did find, upon arrival, were very
segregated and oppressive neighborhoods.

From a historical perspective, this school
to prison pipeline represents a third wave in terms of
how the country has turned to an over-reliance on penal
discipline in communities of color. So looking at it
from that historical perspective was very eye-opening,
I think, for the group in general.

But we also looked in-depth at the issues
of race bias, implicit bias and we do know that those
issues are very germane to this discussion. Indiana, as I said earlier, ranks second in the country in its rate of black male out of school suspensions and fourth in the rate of black female out of school suspensions, compared to nationally.

Twenty percent of black boys and 12 percent of black girls receive an out of school suspension, compared to six percent of white boys and two percent of white girls. So the issue is the disparity based upon race and sex was a recurrent theme. I don't think that there was any doubt that those disparities exist. They were presented by presenter after presenter. I think that it's well documented.

In terms of disability bias, we know that students with disabilities are too at risk for the pipeline. They are 20 percent more likely to receive an out of school suspension, and the problems of disability and discrimination are complex as well, that range from not being diagnosed to not having the proper supports and schools that support children with disabilities.

We know that special education is not a place, it's a system of services that students with disabilities do not necessarily always receive. The testimony that we receive indicated that there is more
room and what is necessary is that we educate parents, as well as administrators and teachers on the issues impacting students with disabilities.

There seems to be a disconnect there, particularly in reference to African-American students with disabilities. They are the most affected. So again, as I said, that these issues are very complex, but looking at the intersectionality of race, sex and disability is very pertinent to understanding this problem.

So we understand or at least we have a perspective of why we are using these policies that seem to have come from some of the other policy issues, the policies that deal with drugs and policies that deal with not having guns in schools. These really punitive policies have wreaked havoc on our students.

So we really need to take a paradigm shift in looking at these policies that obviously have not worked, have had a disparate impact on students of color and students with disabilities, and look at alternatives to these punitive exclusionary policies that -- as a result of the war on drugs and other policy issues.

So we also looked at the role of poverty and economic disparities between school districts, and
we certainly found that there is a disparity with students that have well-resourced schools and schools that don't. We did hear that, for example, in Gary, Indiana that there was a 50 percent decrease in the property tax revenue for that city, which results in a low tax base for that community.

Just most recently, some of the grades, they do grade school or school corporations in Indiana based upon ISTEP and a number of other things, and Gary was the only school to receive an F. I believe that the economic impact of the closing of the steel mills and the economic condition that that community finds itself in has had an impact on their school districts and their communities.

But we do know that African-American students are more likely to attend high poverty schools than whites, their white peers. We know that there are still segregated neighborhoods, that our neighborhoods are just as segregated as they were when the 1968 Civil Rights Act was passed, the Fair Housing Act.

So we know that again, the poverty economic disparities in schools plays a big part. But you know, what supports are we giving these students considering the issues that they're bringing to the table, and what was discussed throughout this report is that our
students are bringing issues to the table that maybe
they weren't bringing 50 years ago.

There was testimony that there are some
students that have severe trauma. They're coming to
school with severe trauma and history of abuse, and some
students even coming to school having been exposed to
marijuana, and that being -- and that they wreaked of
that in the classroom, and what are our educators to
do? These are issues that we just don't think that our
educators are really prepared to deal with these issues
that some of the students are bringing to the table.

So again, as I said, this is a very complex
problem. But the way in which we deal with students
with difficult backgrounds and issues is unacceptable,
and then I'll get to this a little more when we talk
about recommendations.

But we just think that having policies
that, exclusionary policies that take children out of
the classroom from being absent from school just
absolutely is regressive and is only hurting the
student and hurts us as a society, as we look at those,
the implications of a student that doesn't matriculate.

CHAIR LHAMON: Ms. Clements-Boyd, I
really appreciate your presentation. I want to make
sure that we do have time for discussion. I also want
to encourage you to share with us the recommendations too.

MS. CLEMENTS-BOYD: Okay. I'm very sorry.

CHAIR LHAMON: No, no. Thank you.

MS. CLEMENTS-BOYD: So let me get to some of the recommendations. We did find that -- we felt that government organizations work in silos and we would recommend that they start to work together with other departments with common interests, particularly Department of Education and Department of Justice, and that one of the recommendations is that the Department -- a recommendation for the Department of Education is that the Department Office of Civil Rights establish a review committee to study the impact of school discipline policies on disparities in educational outcomes on the basis of race, color, sex, national origin and disability, and that the department should require that states impose mandatory reforms to disciplinary policies for schools that demonstrates significant disparities in disciplinary actions on the basis of race, color, sex and disability.

We don't think that they're starting from ground zero because of the reforms and the guidance that has been presented by the U.S. Department of Education,

But other recommendations are to study the possibility of requiring anti-bias, cultural competence and trauma-informed training, and employ the assistance of the psychologist, social workers and community organizations as opposed to a reliance on law enforcement officers or school resource officers.

That would be some of them for the Department of Education, and moving on to the Department of Justice, the recommendation is that the Department of Justice examine educational outcome and disparities on the basis of race, color, sex and disability among youth and reside in juvenile detection and correctional facilities.

There is also that same recommendation for the Department of Justice to establish a joint task force. There is also recommendations that we would like to pass along to the Indiana General Assembly, and they include finding alternatives to expulsion and suspension and particularly with a special focus on truancy.

So you can find all of these recommendations in the report, and we do think that there are current legal hooks that could be more -- that
could be enforced in a more robust way.

In particular, Title VI of the Civil Rights Act, because we -- the testimony revealed that we do think that there are elements of a prima facie case of discrimination based upon these protected classes, and that a more robust enforcement of Title VI is something that is already in place, and that the entities, Department of Education, Department of Justice, make it a priority to look at these policies and look at best practices, look at this from a historical perspective and provide a guide or a path or a preventive trajectory for school corporations to strive for. We know it's a lofty goal, but we do believe that we can do it.

CHAIR LHAMON: Ms. Clements-Boyd, thank you so much for your moving testimony and for your thorough report and for the SAC's report on the issue. I want to make sure that we open the floor for discussion among the Commissioners now. Commissioner Narasaki?

COMMISSIONER NARASAKI: Yes, thank you. I really want to commend the SAC and the staff working on the report for a really thorough and very interesting report and good recommendations. I have three short things.

One is I found particularly interesting the link between poverty and the intersection with
race, and the lack of school supports like counseling
that contribute to the problem. We had a hearing last
year about the lack of sufficient public school
funding, particularly in an increasingly segregated
schools. So I think this is an angle to that that I
hadn't really considered and that I'm very interested
in.

The second is that the report mentioned the
issue of people with disabilities, and the prison to
pipeline issues, that they are twice as likely in fact
to face the same issues and that is an issue I have been
thinking about asking the Commission to take on.

I'm wondering whether you think, whether
your discussion has led you to believe that that would
be worthwhile for us to take up here in Washington.
Then my second question is I was also very taken by the
issue raised about the extent to which schools are
recommending to parents that they take their kids out
of the public school to alternative forms of education
or to avoid expulsion.

Because I've heard that issue raised in
California by Latino parents, who are being told the
same thing, because schools are trying to --
potentially schools are trying to make their numbers
on expulsion look better and instead trying to push
parents to look like it's a voluntary withdrawal. I'm wondering what you recommend around that?

MS. CLEMENTS-BOYD: Sure, yes. I do think that further examination of the issues affecting children with disabilities would be an admirable study and project for the U.S. Commission, simply because there's so much intersection there. I think that you would help a lot of students, not just students with disabilities but all of the ethnic and racial groups that are impacted by that issue as well. So I applaud that recommendation.

In terms of schools making recommendations that students opt out or drop out to go to alternative schools was discussed in our testimony. There was very spirited discussion in terms of principals actually recommending that students go to a home school environment, and because of their being very loose regulations on home schooling, community advocates felt that that was one way that students were falling between the cracks and were not actually receiving that home schooling instruction, and were calling for a possible tighter regulation or enforcement, or just having a better relationship between the home school community and the school district.

That came with some pushback from the home
school community, that prides themselves on being, you know, separate and having that autonomy over their children's education. So we had to address that, and I think that it really wasn't meant in that spirit, the community advocate that discussed that.

But just it was one instance where kids were falling between the cracks and, you know, that there were certainly students that are thriving success in a home school environment. But there's that small demographic, that small cohort that is possibly falling between the cracks, just simply because the family maybe doesn't have the resources, you know, mom works, and just doesn't have the capacity to provide the education.

CHAIR LHAMON: Thank you. Any further discussion from the Commissioners?

COMMISSIONER KLADNEY: I have a question. I was wondering if as a result of putting school resource officers who are really police officers on campus have resulted in more arrests and being sent to juvenile hall and suspensions and expulsions than prior to their placement in schools?

MS. CLEMENTS-BOYD: I'm sorry. Could you repeat the question?

COMMISSIONER KLADNEY: I don't know. I
was wondering did the Committee look at all to see if
as a result of placing school resource officers or
actually -- who are police officers on campuses
resulted in more arrests in schools, resulting in
suspensions and expulsions than prior them being there?
I mean I know --

MS. CLEMENTS-BOYD: I see.

COMMISSIONER KLANDNEY: I can give an
example, which is like, I don't know, 55 years ago.
When I was in school, we didn't have police resource
officers. We had a vice principal, and say if a fist
fight broke out between students, you would both be
hauled to the vice principal's office, dressed down.
They'd give you some kind of discipline and that would
be that until the next time.

And today, when you have police officers
on campus, it's my understanding that they actually
arrest people and take them to juvenile hall.

MS. CLEMENTS-BOYD: Right, yes.

COMMISSIONER KLANDNEY: So I was wondering
if -- so my question to follow is as a result of having,
for lack of a better term, abdicated their
responsibility to discipline, the school staff, and
leaving it to these officers, has that resulted in more
expulsions and suspensions from school?
MS. CLEMENTS-BOYD: That certainly is indicated in the report, that having that police presence has resulted in more arrests, oftentimes for non-violent offenses, and that just changing that whole paradigm and that -- and that is one of the recommendations, that school corporations cannot rely exclusively on police to make disciplinary decisions that impact education.

Only should police be used in the most extreme circumstances, where there is a potential for violence. But we find that police are responding to very subjective things for students, like being defiant, you know. Even dress, hairstyles, things like that, that these issues were not -- and historically, as you stated, were dealt with by the school administrators and not by police officers. So yes, that has been a big part of the problem.

COMMISSIONER Kladney: So your recommendation in F has to do with a school, 1-F is school resource officers to be working in the schools to establish licensing requirements. Would that be training and things like that in this regard?

MS. CLEMENTS-BOYD: Yes, and I do think that Indiana currently has that statute on the books, that they do have to go through, I think, 40 hours of
training. But you know, of course the devil is in the
details.

What does that training look like? Are they receiving anti-bias training, cultural diversity
training, that really gets at some of these other issues that unfortunately I haven't had enough time to talk
about, implicit bias, so that they understand the dynamics of the students that they're working with.

So I think we want not just training, but we're asking for quality training.

COMMISSIONER KLADNEY: Wouldn't you also be asking training for when they should intercede and when they shouldn't intercede in disciplinary procedures at schools? I mean --

MS. CLEMENTS-BOYD: Exactly, which does require that we take a closer look at the code of conduct, because that is the bible for how they implement discipline.

I think if we start looking closer at the code of conduct in school corporations, and shining a light on that and how discipline is handed out, we can better wrap our minds around this whole disparity based upon certain classes, because we know that certain students are being disciplined based upon something in the code of conduct, but it's not being done on an
evenhanded basis.

COMMISSIONER KLADNEY: Okay. I actually have three more questions, so I don't want to take all of the Commission's times, but I do have these questions. In 1-B, you call for mandatory reforms to disciplinary policies for schools that demonstrate significant disparities in disciplinary actions on the base of race, color, sex, disability or national origin.

These mandatory reforms would take the form of what? To try and narrow that gap with -- of the disparities? In other words, only give range of disciplines and those types of things, or are you trying to objectify the discipline?

MS. CLEMENTS-BOYD: I think -- I think that it would be a number of reforms, and there were so many in the recommendations. But I think that requires that we look at a host of issues. Who are we employing in our schools? Do they have the capacity to handle some of these really serious social, psychological issues that students are dealing with?

I think that we want the staff to be trained on these issues of bias and having historical context, knowing how to look at the issues through a disability lens. But without there being this oversight, we think
that these issues are going unaddressed.

So I think the mandatory reforms are a number of things. But we did cite that the 2004 Guiding Principles Resource Guide is a start for that being a resource for making those reforms.

COMMISSIONER KLADENY: Did you find at all or did you look into at all whether there were disparities in discipline between students of the same race, ethnicity, etcetera in schools?

MS. CLEMENTS-BOYD: I'm sorry, if there were disparities between the same race?

COMMISSIONER KLADENY: Right, how they applied discipline. In other words, between students of the same race?

MS. CLEMENTS-BOYD: I don't know if we did drill down. I can't recall any instances where that was an issue. The only thing that comes close to that is we did wonder if, for example, African-American students that are in affluent schools received the same type of discipline or are disproportionately represented in disciplinary, exclusionary practices, and we found that they were.

So even when you control for poverty and, you know, issues like that, socioeconomic/class, that we still find the disparities are still there for race.
So I don't think that answers your question, but that was the closest thing that I could think of, that addressed what maybe you were trying to address.

COMMISSIONER KLADNEY: And one last question. In 1-E, your committee states the Department should examine and recommend an expansion of evidence-based restorative justice and other alternative disciplinary models to reduce exclusionary discipline. How would you apply restorative justice in these regards?

MS. CLEMENTS-BOYD: Well, certainly I am not an educator, I'm not a lawyer. I'm a lowly executive director of a government agency. So restorative justice, from what I understand from educators, is that it is a way to produce rehabilitation and it's a learning opportunity for students, as opposed to a punishment.

So they learn from whatever they did, and there's an opportunity for even peer involvement, where peers can determine what the punishment would be for what they did. But I think the bottom line is that it's an opportunity to learn from the issue that they've had in the school, and not just impose an out of school suspension or something that's going to take them out of the classroom.
COMMISSIONER KLADNEY: Thank you very much for tolerating my questions.

CHAIR LHAMON: Thank you for hearing our discussion.

MS. CLEMENTS-BOYD: Sure.

CHAIR LHAMON: I understand that there may be more discussion still? The Vice Chair.

VICE CHAIR TIMMONS-GOODSON: Yes. Good afternoon Ms. Clements-Boyd, and I join the others in thanking you and your committee for this excellent report. It's my understanding that Indiana is one of far too many states that have bought into the terrible notion that it's appropriate to grade our public schools.

One of the several factors in grading performance in individual schools is the test performance of their students. I was wondering whether the committee looked at the intersection of or whether there was an intersection between the grading of schools and the voluntary withdrawal of students to attend alternative schools, or the recommendation that they -- that the parents look into home schooling.

The argument or the thought goes something like if low performing students are not among a school's student population, then those low scores would not be
factored into the assessment of the performance of their students. Thus, a school might achieve a higher grade if certain students were not available. I was just wondering whether you looked at that or if it had come to your attention --

MS. CLEMENTS-BOYD: Yes. It is in the report under High Stakes Testing. We did look at that as being another prong in this very complex issue, that high stakes testing is driving this conversation and that teachers don't want to divert their attention and resources to deal with these very difficult social-emotional needs that the kids have, because of high stakes testing. In Indiana, it's ISTEP.

So yes. I think that it's easier for them to -- children that do present more of a challenge to discipline away that student, as opposed to the time and resources that it would take to bring that child back into the fold. So yes, we certainly addressed high stakes testing. There were several sources and authorities that indicated that that is part of this conversation.

VICE CHAIR TIMMONS-GOODSON: Thank you.

CHAIR LHAMON: Further discussion? So before we close this portion, I want to thank you again, Ms. Clements-Boyd.
COMMISSIONER KIRSANOW: Oh Chairman,
Madam Chair?

CHAIR LHAMON: Yes.

COMMISSIONER KIRSANOW: I'm sorry, this
is Kirsanow. I did have a question, if you might
indulge me.

CHAIR LHAMON: Please.

COMMISSIONER KIRSANOW: Ms. Clements-Boyd, thanks very much for your presentation
and for your report. I went through it not with a fine
tooth comb. Unfortunately I skimmed through it and so
maybe I missed something. I'm hopeful you might be
able to direct me to some data on this.

By the way, it won't surprise my fellow
Commissioners that when I was in high school, I was
probably responsible for approximately 45 percent of
our out of school suspensions all by myself.

But nonetheless, I saw in the report that
black males are responsible for approximately, and I
think you mentioned this, two and a half to three and
a half times, it looks like 20 percent of out of school
suspensions, versus about six percent for white males.

I didn't see any data, and maybe it's in
there, but is there data with respect to the percentage
of offenses committed by black males versus white
males, and also any data on the type of offenses committed by black males versus white males?

MS. CLEMENTS-BOYD: We don't, I don't think that there is specific data on that. But of course there's the disparities. The numbers are what they are. We know that black males are certainly being disciplined more than their white counterparts, but what the testimony indicated is that they are not exhibiting more problems or having more problems in school or more criminals than white males.

We think that that's really why we're having this discussion, that black children are no more, you know, acting out in schools than their white counterparts, but they're being held to a different level of accountability. Of course, we think there are a number of reasons. This historical piece; it goes back to the legacy of slavery to this -- to the newer social science information on bias.

But we do know that groups, all groups are, you know, committing infractions in school, but we know that black males, that discipline is being visited on them disproportionally. But I don't think that we have the exact -- and I'm sure the data is there, and you know, I maybe will have to take a deeper dive into this report, and would certainly like to bring that to
the attention perhaps through the state, I'm sorry, our liaisons to your committee, to bring that information to the committee if you're so inclined.

But yes, I'm sure the data is there, but I think it's really the whole purpose of this study is that we know that all kids, you know, have youthful indiscretions and they're all doing things that they probably ought not to do. But should it result in this form of punishment that we know is impacting our society in such dire ways.

COMMISSIONER KIRSANOW: One other question also. Is there any evidence that you're aware of, I didn't see it in the report, and I'm not sure that the report was geared toward this, but we had a hearing in 2011 at the Civil Rights Commission on this very issue, and we had a little bit of testimony around it, but not sufficient testimony to reach any conclusions, at least in my estimation.

Do you know of any information that you may have seen related to Indiana that would shed some light on the performance of students not suspended, once the allegedly disruptive student is removed from the class? In other words, we had some testimony in 2011 from some school superintendents.

I don't mean to defame or misstate
anything, but there was someone from Philadelphia, a principal or superintendent who said once the disruptive students were removed, the performance, academic performance and behavior of the remaining students improved. Is there any kind of evidence that you have related to that Indiana?

MS. CLEMENTS-BOYD: Well, exactly we do, and it was to the contrary, that it was not the case that once the problem student was removed, that it was just the opposite. The schools had a lower climate for students and that when students are in the classroom, all students do better.

That's part of the myth that I alluded to earlier, that you know, this approach that this is some type of utilitarian approach, the greatest number of good for the greatest number of people is just a myth, and that when all students do better, are in the classroom, are having an opportunity to learn, the school climate increases. So that, in our report at least it reflects a different perspective.

COMMISSIONER KIRSANOW: Is that reflected in grades?

MS. CLEMENTS-BOYD: The actual indicators, I would have to look a little bit closer at the testimony. But if you do reference Russell
Skiba, if you go to the actual report, I think that you will find that he discusses that at length. But I really haven't had a chance to go back and look at the transcript in great detail, but it is addressed in the report.

COMMISSIONER KIRSANOW: Thanks very much.

MS. CLEMENTS-BOYD: You're welcome.

CHAIR LHAMON: Thank you. I think without further discussion from my fellow Commissioners, I will just say again how much I appreciate the thoroughness of the report. I also was pleased to note in it that in addition to identifying disparities on the basis of race that raised significant concerns for your State Advisory Committee, you also talked about what could be underneath those disparities and took a look at implicit bias, among other possible explanations for whether discrimination does exist.

The disparities are, as we all know, an indicator that there may be something more to look at and your report included information about what could, in addition, you were looking at. So I appreciate that.

I also want to acknowledge the presence in
our audience today of an expert from the Department of
Education who has worked on this issue. Her name is
Carolyn Seugling. It's S-E-U-G-L-I-N-G. I am sure
that she or her colleagues would be pleased to share
further information with us on this topic, if the
Commission would welcome it going forward. But I am
pleased that she could be present here today as we
discuss this important topic. So thank you.

Having completed this discussion, I want
to make a motion that we ask for staff to draft letters
to the appropriate agencies that we could vote on in
our next business meeting, either if they're available
in our telephonic meeting, and failing that in our next
in-person meeting. Can I have a second?

COMMISSIONER KLANDNEY: I'll second that
motion.

CHAIR LHAMON: Thank you. Sounds like
there might be discussion from Commissioner Narasaki?

COMMISSIONER NARASAKI: I was just going
to move it, since you're the Chair.

CHAIR LHAMON: Thank you, thank you.
Appreciate it. So why don't we here, all those in favor
say aye?

(Chorus of ayes.)

CHAIR LHAMON: Any opposition? Any
abstentions?

(No response.)

CHAIR LHAMON: Unanimous motion. Thank you.

MS. CLEMENTS-BOYD: Thank you so much.

CHAIR LHAMON: Thank you very much, Ms. Clements-Boyd. We really appreciate your participation by phone.

So next I'll turn the floor to our staff director for his Management and Operations report.

STAFF DIRECTOR'S MANAGEMENT AND OPERATIONS REPORT

MR. MORALES: Thank you, Madam Chair. I want to just take a few moments here, a few minutes, maybe about ten minutes here to talk a little bit about staff and stuff. As always, the staff report, which I forwarded all of you and if you have any questions about that, we can talk about that. If not, we can talk, you know, you can reach out to me individually about that.

I wanted to get into more in-depth on a couple of matters. One, it's been brought to my attention the passing of a member of one of our state advisory committees. Ivy Davis from our Regional Eastern Office had mentioned to me and asked that I express our Commission's, you know, condolences. She
said, you know, she prepared something for me. I'm going to read it real briefly here.

"I am saddened to report the recent passing of Leanna Brown, former member of the New Jersey State Advisory Committee. Ms. Brown was first appointed to the New Jersey Committee in 2002. Her last appointment as chair of the Committee was from 2008 to 2010. She was remembered at a recent memorial service held in her home town of Chatham, New Jersey as a trail-blazing politician and policy expert, who favored friends and family with her sharp wit and caring style.

"In 1983, she was the first Republican woman to hold a seat in the New Jersey State Senate. In her application for appointment to the New Jersey SAC, State Advisory Committee, she explained that she opposed redlining in New Jersey suburban communities in the 1960's, advocated always for women's pay equity and supported increasing accessibility for persons with disability.

"She was very proud of the New Jersey Committee's reports on overcoming the barriers facing immigrants in New Jersey and teacher quality and student achievement. The Eastern Regional Office remembered that she often wore hats, was very direct in her comments and passionate about politics."
"Leanna always ended her calls with the Committee with cheers. From the Commission family members and to the family of Ms. Leanna Brown, we express our condolences. She was 81 years old."

I'd like to get into one, welcome the new Chair, Commissioner Lhamon and Commissioner Adegbile. On behalf of the staff, we want to welcome you and I want to mention that we're looking forward to working with you. So whatever questions you may have and whatever concerns, please feel free to contact me and the staff, and obviously through your special assistants as well.

I wanted also to mention to the staff and the Commissioners now that I have you all here, that next week there will be a lot of challenges in security. Our agency, our building is within the security perimeter zone, and so emails are going out to staff, and we'll include you as well, as to access to the building.

For those of you that may be attending the inauguration, there will be some security issues you need to be addressed if you're going to come into the building on those days. So please work with Pam and we'll address whatever kind of questions you may have.

So I just want to put that on your radar.
Last, I want to acknowledge our staff. I want to thank all the staff for the team work they've done on in-boarding the new Commissioners. I really appreciate how everybody worked together as a team during the holiday and under extraordinary circumstances to get new Commissioners sworn in, to schedule a telephonic business meeting, and to onboard some new staff.

Particularly I want to thank Maureen, Tina, Irena, Sheryl, Brian, Wanda, Michelle, Pam, Jennifer and Janice for the work they did above and beyond the call and step in, and how all this happened. So thank you very much.

Now I want to get into some of the new staff we've got on board. You probably have seen some of these faces, you don't know who they are and you'll be meeting them over the next few months here. So I just wanted to, just to highlight that.

We have a detail who's come over from the U.S. Department of Agriculture, Civil Rights Division. His name is Jeff Knishkowy. He's going to be on detail with us for the next six months. He'll be working on reports with OCRE and on some administrative legal matters with OCRE.

We had a retirement last month. Myrna
Hernandez, who you all know. She retired from the Commission. She served the Commission as a Human Resource Specialist, and she was a dedicated federal employee for 42 years, and she spent 25 of those years working here at the Commission.

She worked hard and understood the importance of human resources in the overall mission of our Commission. Her commitment and dedication is an example of the service provided by federal employees every day to the country. She'll be missed, but we're very excited for her as she enjoys a new chapter in her life as a retiree.

We've had a departure, Alec Deull, who you all know. He left the Commission last month. Alec served as a special assistant, most recently with Commissioner Achtenberg. As a lawyer and a special assistant, Alec had dedicated his career and his life to civil rights. His service to the Commission and to the Commissioners has been exceptional, and he is to be commended.

His expertise and knowledge about civil rights was significant, and his expertise will be missed. All of his friends and colleagues here at the Commission enjoyed his collaboration and his hard work, and we'll miss his association with the Commission. We
wish him well.

Some new employees. I want to take a moment to acknowledge some new employees that have recently joined the Commission. In the Office of Civil Rights Evaluation, OCRE, we have Dr. Marik Xavier-Brier, who joins us after being a professor at Georgia State University. He has taught classes on the Introduction to Sociology and Social Problems, Deaf and Dying.

Dr. Xavier-Brier received his Ph.D. in Sociology from Georgia State, his M.A. from San Francisco State University and his B.A. from Georgia State. We also have on board in OCRE Dr. LaShonda Benson. She joins us from being a research director on Project Vote.

Dr. Benson earned her Ph.D. in Political Science from the University of Michigan-Ann Arbor, and a B.A. in Mathematics and Political Science from the University of Rochester. Dr. Benson's thesis focused on minority representation in Congress.

In Budget and Finance, we have Robert Amartey -- sorry, I'm terrible with names -- Amartey has joined us as Budget and Finance Division, in our Budget and Finance Division as a budget analyst. Robert most recently worked as a contractor supporting
the Department of Justice. He has extensive experience in Financial Research and Analysis, Budgeting, Forecasting and Grants Management.

He has a Masters of Finance from the University of Maryland and a B.A. from Xavier University.

I'm going to move on to the Regional Programs Unit. We have two people there. I want to thank David for, you know, really working hard to onboard his team. We have David Barreras, who joined the Commission as a civil rights analyst. He's going to be working out of the Chicago office.

David comes to our agency from the U.S. Department of Housing and Urban Development, Office of Native American Programs. David worked nine years as a senior policy analyst for Capital Policy and Compliance Analysis, a non-partisan policy research company. David holds a Juris Doctor from the University of Wisconsin-Madison, and is a veteran of the United States Navy.

Lastly in the Regional Programs Unit we have Ana Victoria Fortes, who joined the Commission as a civil rights analyst working out the Los Angeles office. Ana comes to our agency from the U.S. Department of Labor, Women’s Bureau Division, where she
worked as an analyst since 2012.

Ana has also served as a regional advisor to the White House Initiative on Asian American and Pacific Islander since February of 2015. Ana holds a Masters of Public Policy from Cal Poly-Pomona, where her thesis focused on temporary assistance to needy families in federal welfare programs.

So with that, we have a really great team. We're looking forward -- I know they're all looking forward to carrying out our mission here at the Commission. When you get an opportunity, please feel free to say hello to them, and that's all I have, Madam Chair. Any questions?

CHAIR LHAMON: I have no -- oh, Commissioner Narasaki.

COMMISSIONER NARASAKI: I just wanted to add my thanks to Alec, because when I first came on, he was one of the special assistants and offered, volunteered to help me on board, and support me until I was able to hire Jason. So I just wanted to appreciate that. He and Kim were extremely helpful to me. The same thing is I just want to commend both the staff director and the general counsel for their hard work in the hiring process, and coming up with some incredible candidates and new colleagues.
So I know that's always a challenge in terms of hiring in the federal government, and I just wanted to appreciate the work that went into that.

CHAIR LHAMON: So I will second those thanks. I really appreciate my fellow Commissioners and also all of the staff here at the Commission for their assistance in welcoming me, and in helping me come up to speed, and I know also in welcoming Commissioner Adegbile. I know that transitions can be hard. This was a trying time and short notice, and I am very much enjoying being here, looking forward to the continued work that we will do together.

I really appreciate the collegiality and the outreach. So thank you for that. Thank you also for the report from the staff director, and if there is no further discussion, I'll pause here, then we will conclude this meeting at 11:29 Eastern Daylight Time on the 13th. Thanks very much.

(Whereupon, the above-entitled matter went off the record at 11:29 a.m.)