

Wilmington Education Improvement Commission
Bifferato LLC, 800 N King St, Wilmington, DE 19895
Meeting Minutes – February 24, 2016

Chairman Tony Allen called the meeting to order at 6:31 p.m.

Dr. Allen asked for the Commissioners to introduce themselves, followed by the members of the public. He thanked Bifferato LLC, counsel to the Commission, for hosting the meeting.

The Commission approved the meeting agenda.

Dr. Allen announced that Dr. Terri Quinn Gray, President of the Delaware State Board of Education, and Dr. Steven Godowsky, Delaware Secretary of Education, would be joining the Commission at the beginning of the meeting to give brief statements and to answer a few questions.

Dr. Allen reviewed the actions of the Delaware State Board of Education on the WEIC plan since the Commission's last meeting. On Thursday February 18, 2016, the State Board of Education met to discuss the Wilmington Education Improvement Commission's plan. The discussion of WEIC lasted about four and a half hours. The State Board of Education made a motion on the plan as submitted. The motion failed by a vote of 3-4. That was followed by a second motion to approve the plan with two conditions. The second motion passed by a vote of 4-3. Dr. Allen stated that Drs. Gray and Godowsky would speak to the two conditions that were added. He reminded the Commission that the State Board of Education's authority to change the district lines expires on March 31st, and that they meet once more before that date on March 17th.

Dr. Gray began by thanking the Commission for allowing her to join them. She stated her belief that everyone in the room has the same ultimate goal, to create a better future for Wilmington's children. She stated that the State Board of Education's approval was to keep the plan alive, not to delay the work of WEIC. The State Board of Education's goal is to work with WEIC to create the best plan possible, one that will translate into real results in the classroom starting right now. Throughout the process the State Board of Education has emphasized their concern about academic milestones and that still remains the bottom line. She is glad for the work that WEIC did to address the initial concerns of the Board, and specifically mentioned the letters written by each of the school districts that serve the City of Wilmington.

On the subject of the second condition added by the State Board of Education during their second vote on February 18, 2016, Dr. Gray stated that "may" is really different than "shall." The current form of the plan forces the State Board of Education to suspend the plan without consultation or negotiation, which in their mind is an unnecessary kill switch that would undo all of the work that has been done. Such action would serve no one, especially not the children who the plan is designed to help the most. She stated clearly and unequivocally, the State Board of Education's plan is not to move forward with the plan without proper funding. Dr. Gray assured the district representatives that if at any time a district is unfairly treated, the State Board of Education would suspend the timeline. Dr. Gray stated that the State Board of Education is just as opposed to unfunded mandates as they are to funded prerogatives, which is why they are firm in their belief that funding should not be the only trigger for suspending the timeline. Student outcomes should also serve as a way of examining the success of the plan. The State Board of Education genuinely wants to ensure the plan if fully funded, but they believe that the districts and Commission would still have the power to suspend the timeline, based on the last line of the

redistricting resolution, even with the change of language. She concluded by emphasizing that the State Board of Education wants to continue as a partner to the Commission, and stated her expectation that the Commission will deliver real results.

Dr. Godowsky apologized to the Commission for arriving late to the meeting. He discussed the condition placed on the WEIC plan by the State Board of Education related to the Christina School District's priority schools. He said that he has personally been in discussions with Christina regarding priority school plans and is in possession of the Memorandum of Understanding submitted by the district last year. The Department of Education has taken a good look at it and in conversation with the acting superintendent of Christina School District has determined that that plan could be approved with an amendment to update the dates listed so they reflect the current timeline. His understanding was that the Christina School Board had unanimously approved moving forward with the plans at their board meeting the previous night. Dr. Godowsky is confident that the State Board of Education's condition regarding the Christina priority schools would be met.

Members of the Commission were permitted to ask questions of Dr. Gray and Dr. Godowsky.

Commission Vice-Chair Kenny Rivera thanked Dr. Gray for coming and recognizing that action is needed. He remarked that the current language forces the opportunity to deliberate or consult and ensure that there is open communication. He concluded with the issue of "shall" versus "may." He said that the State Board of Education is asking the Commission and districts to trust not only them, but future boards compiled of members who have not been identified, which is not a risk that they can take. Red Clay Consolidated School District was promised funds on the steps of Warner Elementary that they still have not received. The worst fear of the Commission is that the plan will be half funded, and people will say that the funding provided is adequate enough. The Commission has asked for the absolute minimum it thinks it needs and anything short of that is unacceptable.

Dr. Gray responded Mr. Rivera's comments by saying that trust is in the center of this entire process. There needs to be mutual trust, and just like the Commission does not know who will be on the State Board of Education in a few years, the State Board of Education does not know who will be a member of the Commission. The Board serves six year terms, so they are arguably more predictable than the members of the Commission. Her position is the only one on the State Board of Education that serves at the pleasure of the Governor. In terms of the unfunded mandate, the discussions about priority schools were tough, and Dr. Gray acknowledged that the bruises are still fresh on both sides as a result. She stated that there must be shared risk, and that the State Board of Education is taking as much of a risk as WEIC is. She reiterated that the State Board of Education is totally opposed to an unfunded mandate, and is equally concerned about a funded prerogative.

Dr. Eve Buckley asked for clarification on the number of State Board of Education's concerns. The first concern would be the potentially unnecessary kill switch and second being that there may be additional reasons that the State Board of Education would want to suspend the plan other than a lack of funding.

Dr. Gray confirmed that those were the two concerns of the State Board of Education. Funding needs to be a part of the conversation, but milestones also need to be met.

Dr. Buckley asked if the State Board of Education was asking for an additional kill switch. Dr. Gray stated that the State Board of Education would welcome the idea.

Representative Charles Potter Jr. thanked everyone for coming. He said that this is about the City of Wilmington's children, and that they city has been waiting for change for years and years. No group has come this close before and WEIC should not stop now. He is thankful to the State Board of Education for giving the Commission the opportunity to continue with their second vote. Rep. Potter distributed a resolution that he would be introducing in the Delaware General Assembly. He stated that the General Assembly helped create this situation where redistricting was possible and his resolution will affirm that an unfunded mandate will not occur.

Yvonne Johnson directed her comments to Dr. Gray and said that she had misunderstood that conditions would be able to be placed on the Commission's plan. Her understanding was that the State Board of Education needed to vote yes or no, no conditions. She reiterated the idea that the State Board of Education was asking WEIC, the districts, and the public to trust the State Board of Education. She stated that a meeting about what will happen to schools in Wilmington should not be held in Dover in a room that does not have capacity to hold all interested community members. She suggested the Caravel building would have been a more appropriate venue due to its location and capacity. She stressed that something needs to be done to help Wilmington families. She mentioned class sizes as an unfunded mandate that has existed in schools since the 1990s. She stated that the State Board of Education should accept the Commission's plan with the word "shall."

Dr. Gray said that the State Board of Education approved only with those two conditions and that the State Board of Education thinks that it is very clear what they asked for. They asked each district to come and show them what will be changed. She said that trust will not be earned in five days. The State Board of Education did not vote no, they voted yes and asked WEIC to help them clean up a few items. She said the Commission has made it clear that now is the time, and the State Board of Education does not want an unfunded mandate.

Chandra Pitts thanked Dr. Gray then asked if the State Board of Education understood the provision in SB 122 that stated that the State Board of Education must approve the plan or vote the plan down and provide reasons why.

Dr. Gray said that the State Board of Education understands the legislation, and wants the Commission to understand that the State Board of Education wants the plan to be successful.

Chandra Pitts asked if Dr. Gray had understood Dr. Allen when he made it clear at the State Board of Education's meeting that changing the word "shall" to "may" would likely kill the plan?

Dr. Gray stated that no, she did not understand that. She understood that it would be an issue that could maybe be worked out. The State Board of Education did not understand that the plan would be dead with that condition.

Chandra Pitts asked Secretary Godowsky what his plan for Wilmington schools was if the Commission's plan is not approved.

Secretary Godowsky stated that there is a separation of authority between the Department of Education and State Board of Education and that their rules and procedures are separate. When the condition about the Christina priority schools was introduced, that was when he added his voice into the conversation. His role was to ensure that that condition was satisfied so that the Commission's plan could move forward.

Harrie Ellen Minnehan asked to clear up the seemingly sense of confusion around the Christina School District priority schools. The Christina priority schools plans were negotiated a year ago and signed off by the district. The then-Secretary of Education refused to sign them. All of the plans were there and nothing happened until Secretary Godowsky came on board. He reopened the conversation in October. She emphasized that the Christina School District had done its due diligence.

Dr. Gray thanked Mrs. Minnehan and said that she did not know all of that. She said that the Department of Education is separate and the State Board of Education was not part of that process. She emphasized that the State Board of Education wants to get those plans implemented.

Harrie Ellen Minnehan said that labeling the Christina priority schools as a condition for not passing the plan was not fair and she requested an apology to the district.

Ted Laws questioned the level of commitment of the State Board of Education. He mentioned that the State Board of Education has written commitments from the districts. He does not feel that the districts have the commitment of the State Board of Education. As a board, one makes commitments all the time that future boards will be held to. The State Board of Education needs to accept that commitment.

John Skrobot asked Dr. Gray why the State Board of Education would be concerned with funding at all, since the General Assembly is the governing body with jurisdiction over funding.

Dr. Gray said that it is outlined in the resolution that the State Board of Education “shall.” The State Board of Education does not have the authority to grant funds, but when they send it to the General Assembly they need to know that it is a reasonable thing to send forward.

The Honorable Chandlee Kuhn said that what she is hearing from Dr. Gray is that the State Board of Education does not have a role in the funding, but are basing their decision on funding. She asked Dr. Gray specifically how she and the rest of the State Board of Education are going to advocate for the Commission’s plan in the General Assembly. She asked what the Commission should expect.

Dr. Gray said that the State Board of Education expects the same thing that the Commission does. That both will go after the funding so that it will not be an issue. She said that the State Board of Education advocates on behalf of children all the time; it was not a hard question to answer because the State Board of Education will not treat this plan any differently than any other thing that the State Board of Education advocates for.

Dr. Allen thanked Dr. Gray and Secretary Godowsky and excused them.

Dr. Allen let the Commission know that the Redistricting Committee had met prior to the Commission’s meeting. He asked Dr. Pika to give an overview of what the Redistricting Committee had discussed.

Dr. Pika said that other members of the committee should feel free to chime in and that the committee had comprehensive conversation on the word “shall.” The committee voted, with one abstention, to retain the word “shall” in the Commission’s plan. He said there were other questions as to whether the State Board of Education acted appropriately.

Kenny Rivera said that the committee spent a tremendous amount of time on the language of the resolution over the last several months, which is important to note.

John Skrobot said that he found Dr. Gray's speech to be suspect. The actions of the State Board of Education do not match their speech and their arguments do not hold water. The General Assembly is the governing body with control of funding.

Representative Potter said that there has been a lot of movement in the background to make sure that the funding is there. He wants everyone to be cognizant that there is movement happening.

Karen Eller noted that she has never seen a member of the State Board of Education in her school or any other school in the City of Wilmington. She asked why they require the change of language that could potentially be harmful to the students if they are in this for the kids?

Kenny Rivera explained his understanding that the Commission's plan had not been approved. The State Board of Education changed the single most important word in the entire plan, and with that, created a different plan.

Representative Potter emphasized that the issue of an unfunded mandate is being handled in the General Assembly. He believes that the State Board of Education should hold an emergency meeting to act again.

Karen Eller stated her belief that if any more State Board of Education meetings were to be held regarding WEIC, they should be held in Wilmington.

Chandra Pitts asked if the State Board of Education would be able to revoke their action.

Dr. Allen asked for advice from counsel.

Counsel stated that the Commission could resubmit the plan and then the State Board of Education could vote again on the plan, but could not revoke an action already taken.

Yvonne Johnson stated that she agrees with Karen Eller about holding future meetings in the City of Wilmington, and that changing "shall" to "may" is a deal breaker.

Yvonne Johnson made a motion to send the redistricting plan back to the State Board of Education without changing it to meet any conditions.

Ted Laws asked about the condition related to the Christina School District priority schools. Dr. Allen clarified that the motion was to resubmit the original plan, so there will be no conditions.

Yvonne Johnson suggested encouraging the public to send emails to the State Board of Education members to emphasize the amount of public support the plan has.

Eve Buckley stated that she was very sympathetic to the motion on the floor, but also raised the possibility of a compromise with the State Board of Education. Dr. Gray mentioned in her comments that the State Board of Education was interested in having expanded authority with respect to a "kill

switch” fixed to student outcomes. She asked if the Commission would be interested in exploring language.

Rosa Colon-Kolacko agreed with Michelle Taylor said that the Commission should lobby the members of the State Board of Education before their next meeting. Chandra Pitts asked Dr. Gray if they understood the consequences of their second condition and Dr. Gray said that she had not.

Vicki Seifred pointed out that the State Board of Education meets in the middle of the day, and so they are never able to hear from classroom teachers. She suggested that instead of lobbying the members of the State Board of Education, bring them to her classroom or have them shadow one of her students for the day. She said that the Commission needs to keep the plan as it was originally written. She pointed out that this has never been done before and no one really knows what will work and what will not. In each school it is likely that different strategies or approaches will be needed. She said that the State Board of Education needs to trust the educators in the classroom.

Reverend Meredith Griffin said that while he has no problem with the motion on the floor and understands the passion in the room, for him the issue is broader, and the Commission needs to stay committed to their endgame. He asked what options the Commission has if the State Board of Education rejects the resubmission of the same plan? He stated his concern that if that happens, the children will be no better off and that Wilmington will be even farther from a cohesive, comprehensive education plan.

Harrie Ellen Minnehan mentioned that, in regards to Vicki Seifred’s comments, she had a conversation with a previous member of the State Board of Education while they served and invited them to her classroom. The member of the State Board of Education said that they could not do this because then they did not believe they would be able to be objective.

Chandra Pitts stated that she agrees with Michelle Taylor. She stated that she thought that if Barbara Rutt were at the meeting, the Commission would be able to sway her. She noted that there is a high level of disconnect between the members of the State Board of Education and the public. She remarked that Dr. Allen took questions from the State Board of Education for 4.5 hours representing the Commission and the community, while Dr. Gray had struggled to answer questions for 20 minutes at the beginning of the meeting. She remarked that even when he did not necessarily agree with them, Tony had advocated on behalf of the districts and should be recognized for that.

Johnny Means mentioned that he might be the only one against the motion to send the plan back to the State Board of Education without any changes. He supports the idea of lobbying the State Board of Education and believes that the Commission should focus specifically on the one member whose vote changed from the first vote to the second. But reiterated that he is against sending back the plan simply as it is.

Ted Laws reminded the Commission that the State Board of Education has had the plan since January. If the word “shall” was an issue, it could and should have been brought up from the beginning and not at the end when the Commission does not have enough time to respond. He also stated his support for advocating for a later start time (after business hours) for the State Board of Education’s meeting.

Dr. Allen said that he would note that and the other suggestions as recommendations to take back to the State Board of Education, and that they would not be included specifically in the motion.

In response to a statement by Reverend Meredith Griffin, Yvonne Johnson stated her agreement that the State Board of Education is not accountable to the public since they are appointed by the Governor and not elected. She believes that that plays a significant role in the dysfunction.

Margie Lopez-Waite asked for counsel's opinion on whether or not the change from "shall" to "may" makes a difference. Commission counsel gave their opinion, and Kenny River explained Red Clay's view.

Representative Charles Potter, Jr. said that he believes that the plan should be sent back because now the State Board of Education has more information than they had before, even if the plan is not changed.

Reverend Meredith Griffin clarified that he agreed with the motion on the floor, but he maintains that the Commission needs to think about what would happen next.

Dr. Buckley also stated her support of the motion on the floor. Her concern is that the process is being conducted by adults in their own corners, who might not be always acting on behalf of the children. She said if there was something else that the Commission could provide to help the State Board of Education to approve it, they should do it.

John Skrobot disagreed with Dr. Buckley and said that the Commission should put the responsibility and on the State Board of Education. The State Board can come back to the Commission with a reasonable offer if they have time.

The Commission voted on the motion to resubmit the redistricting plan in its entirety created by the Commission on December 15, 2015.

Motion passes votes were 15 Yes, 6 No, 2 Absent

Yes – Tony Allen, Eve Buckley, Rosa Colon-Kolacko, Karen Eller, Frederika Jenner, Yvonne Johnson, Joseph T. Laws, Elizabeth Lockman, Margie Lopez Waite, Harrie Ellen Minnehan, Joe Pika, The Honorable Charles Potter, Jr., Kenny Rivera, John Skrobot

No – The Honorable Nnamdi Chukwuocha, Reverend Meredith Griffin, Johnny Means, Aretha Miller, Chandra Pitts, Michelle Taylor

Absent – The Honorable David Sokola, Breyonna Williams

Following the vote, Dr. Rich felt that it was important to reaffirm that the Commission is active through 2021. He also reminded everyone that all of the Commission's meetings are public and that the Commission has invited the members of the State Board of Education. He thinks that the Commission should reaffirm those invitations. He also thinks that the Commission needs to determine that they have a viable path forward; to see what other options are available so that the Commission can show the State Board of Education and General Assembly that the Commission is committed to working with them moving forward.

Dr. Allen clarified that any agreements that the Commission leadership team would be negotiating would not get in the way of the redistricting plan or any plan that the Commission may submit.

Yvonne Johnson asked Drs. Rich and Allen to elaborate on what that might mean.

Dr. Rich reminded the Commission that they are committed to presenting an annual report to the State Board of Education, General Assembly, and Department of Education with quantitative and qualitative data, something that has never been done before.

Dr. Allen commented that Dr. Gray continued to comment that what was missing from the redistricting plan were plans for increasing student outcomes. Creating something more substantive on that front could help ease some board members.

Dr. Rich said that the Commission is committed to ongoing analysis and annual report.

Yvonne Johnson asked who would be completing the follow-up.

Dr. Rich said the staff at the Institute for Public Administration at the University of Delaware would continue to work on the project and emphasized that the research done for the Wilmington Education Advisory Committee was the first analysis in 40 years.

Reverend Meredith Griffin raised the fact that the State Board of Education's jurisdiction expires on March 31 and asked what the plan until then.

Dr. Allen said that the objective is to get the redistricting plan passed as soon as possible.

Dr. Pika said that he thinks that the Commission should ask for an expedited meeting and that the Commission should request it very specifically. He also thinks that the meeting should be held in Wilmington. The normal State Board of Education meetings deal with things across the state, but if this is a special meeting then they would have extra influence to have it in Wilmington.

Dr. Allen asked what the advantage of having an expedited meeting would be if the Commission wants to lobby the members of the State Board of Education.

Dr. Pika cited the timeline in the General Assembly as the justification for an expedited meeting with the State Board of Education. He said that he thinks that lobbying the State Board of Education needs to be careful and mindful. The Commission should not inundate them with emails. The State Board of Education will likely just delete them.

Yvonne Johnson responded that she understood Dr. Pika's position, but she disagrees. She said that inundating officials with emails has worked for her for years. She thinks that the Commission needs to include the Governor and Secretary Godowsky. She also said that these officials need to hear not just from herself and Karen Eller, but from other community members as well. She also suggested that if there is a special meeting, it should be held on a Saturday so that is most accessible to parents and community members.

Kenny Rivera said that he thought that expediting the meeting would send a mixed message to the State Board of Education, that the Commission is not expecting them to pass it.

Dr. Buckley asked what happens if the State Board of Education meets and they do not pass the redistricting plan, but it is not the end of March when that happens. Is the Commission able to resubmit again?

Dr. Allen and counsel confirmed that they have 60 days from the original return to the Commission.

Dr. Allen opened the floor to public comment.

Kevin Ohlandt said that he thought it was very idiotic for the Commission to try and deal with the State Board of Education and asked what educational outcomes the State Board of Education was looking for.

Representative Kim Williams asked for clarification on the idea of educational outcomes, since redistricting would not occur until 2018.

Dr. Allen responded that the Commission's intention is to get more money and that the first order of business was increased funding for English language learners, low-income students, and special education students in kindergarten – grade 3. He believes that the State Board of Education's argument is that if the funding is coming in, there need to be results.

Representative Kim Williams pointed out that the districts have not been able to put together plans yet because the funding is not guaranteed. She also said that she has written to the members of the State Board of Education and asked them to attend the Commission's meetings. She believes that if the members of the State Board of Education were really committed, they would be at meetings and asking questions. She respectfully disagrees with Dr. Gray that she did not understand that the language change in the resolution would be a deal breaker. Representative Williams felt that it had been made very clear in the last State Board of Education meeting.

Bill Doolittle said that the real issue is the issue of trust. The state has had years to do something for the children in the City of Wilmington. The members of the State Board of Education could have been at the meetings and becoming informed, but they did not. They could have followed the law, but they circumvented it instead.

Representative Stephanie Bolden asked if the Commission is looking for an extension, because it could be possible for the General Assembly to provide one.

Dr. Allen said that his sense is that they are not because it would not necessarily provide the Commission with any additional opportunities.

The meeting adjourned at 8:16 p.m.

Wilmington Education Improvement Commission

February 24, 2016

Meeting Attendance

Committee Members

Tony Allen
Eve Buckley
The Honorable Nnamdi Chukwuocha
Rosa Colon-Kolacko
Karen Eller
Meredith Griffin
Fredericka Jenner
Yvonne Johnson
Joseph T. Laws
Elizabeth Lockman
Margie Lopez Waite

Johnny Means
Aretha Miller
Harrie Ellen Minnehan
Joe Pika
Chandra Pitts
The Honorable Charles Potter, Jr.
Kenny Rivera
Vicki Seifred
John Skrobot
Michelle Taylor

Members of the Public

Jennie Lowe
Raye Avery
Candace Wilson
Laura Nash
Adriana Bohm
Mike Matthews
Bill Doolittle
Mike Stafford
Bill Bouser
Neil Kirschling
Albert Shields
Matt Albright
Leah Davis
Jeff Taschner
Ken Woods
David Davis
Donna Johnson
Margaret Aitken
Meghan Wallace

Representative Kim Williams
Cathy Thompson
Ariadna Castaneda
Angela Wilson
Ted Ammann
Jill Floore
Bebe Coker
Ashley Dazell-Gray
Pati Nash
Avi Wolfman-Arent
Dorrell Green
Representative Stephanie T. Bolden
Andrew Hegedus
Katie Hegedus
Kevin Ohlandt
Dusty Blakey
Ed Freel
Johnny Means
JoAnn Means

Institute for Public Administration Staff

Elizabeth Burland
Liz Farley-Ripple

Annie Gould
Chester Holland

Dan Rich
Nicole Rodriguez

Kelly Sherretz

Kervin Zamora