

**Redding Consortium for Educational Equity
Settlement Work Group
March 28, 2022 5:00–6:30 p.m.
Meeting Minutes**

I. Welcome

Aaron Bass, Co-Chair of the Settlement Work Group, welcomed everyone to the meeting and presented the meeting agenda.

Shannon Griffin, Work Group Member, asked for an amendment to the January meeting minutes to recognize Bill Doolittle’s contributions on the Ombudsperson bill.

Gary Henry, Work Group Member, moved to approve the amended January minutes. Shannon Griffin, Work Group Member, seconded. The minutes were approved.

II. Consortium Meeting Updates

The Consortium approved the Settlement progress report at the last full body meeting.

III. Ombudsperson Update

Shannon Griffin reintroduced the DESPAC resolution and the bill that would make the Ombudsperson program permanent.

Neil Kirschling, on behalf of Work Group member Sarah Stowens, asked about the difference between the bill and the resolution.

The resolution would reconstitute the Delaware Student-Parent Advisory Committee (DESPAC) as a stakeholder on the educational equity Council to provide independent oversight for the ombudsperson program, and to support the effectiveness of Delaware’s data system for the purpose of enhancing educational equity.

The bill legally establishes the ombudsperson program as a permanent fixture, and includes a fiscal note and scope of work. The two separate legislative vehicles were suggested by legislators since the resolution has no fiscal impact.

Resolution Discussion

Chuck Longfellow, Co-Chair, asked if other stakeholders outside of the Work Group have had an opportunity to provide feedback on the resolution. Shannon responded that she engaged with legislative partners in crafting in the bill, but not yet superintendents.

Aaron said the council gives more voice and oversight to the community. It also builds implicit support for the ombudsperson program when there is an oversight board.

Chuck said that he can support the resolution with the stipulation that it is circulated for stakeholder feedback before moving it to the full Consortium.

Bill Discussion

Chuck noted his concerns about lines 32 through 42 of the bill, which place the financial burden for legal referrals by the Ombudsperson on the LEAs. He believes that the bill as written may open up LEAs to undue financial hardship in the event a small claim among many is substantiated. Bill Doolittle, a co-author of the bill, clarified that there are guardrails in place to make sure the referred law firms are non-profit and working in good faith in the best interest of families. He said that the bill could be changed to put additional guardrails around the prospect of unlimited punitive damages.

Laurisa Schutt, Work Group member, asked what kind of recourse would be needed for LEAs to be protected. Chuck said that he is not sure, but knows that the bill as written will receive strong pushback from LEAs. The bill needs feedback from the LEAs before moving forward.

Wilmington Councilman Jea Street said that school districts are armed with law firms and are in a position to protect themselves, and parents and children need a comparable level of protection.

Shannon said that they will go back and make the language about legal guardrails for LEAs clearer. She reminded everyone that the Ombudsperson office is meant to serve the interests of students and families first. While the concerns of LEAs are valid, there still needs to be an entity that has the students as the motivating interest. Additionally, the legal referral process is a last resort after all non-legal interventions have been exhausted. As a result, the number of lawsuits should go down, not up, as a result of the Ombudsperson program.

Aaron said that he is fine with the Ombudsperson program as written, provided the language about non-legal intervention and accountability is strengthened.

Aaron moved for the Work Group to support the Ombudsperson resolution and engage with relevant stakeholders for feedback before bringing it to the full Consortium for approval. Laurisa second. Motion passes. 6 yes, 0 no.

Shannon tabled the discussion on the bill to incorporate the feedback from the group.

IV. Delawareans for Educational Opportunity, Wilmington City Councilman Jea Street

Councilman Street is happy with the settlement implementation progress, with the exception of the Ombudsperson program. He is particularly happy about the accelerated funding for the Opportunity Fund.

Councilman Street disagrees with the current design of the Ombudsperson program. He would have preferred to forgo the entire program instead of allow it go forward in its current form. Specifically, he believes the \$1MM funding is not enough to run the program properly.

Councilman Street discussed some of the differences in opinion about what can and cannot be done about educational equity disputes through the Ombudsperson. He believes that parents should be allowed to obtain legal counsel if necessary. He does not believe that the Department of Education should be able decide when a lay advocate can or cannot make a legal referral, or decide if the program's funding can be used for legal referrals. He hopes that the Governor and legislature can find an agreement to implement the Ombudsperson program in a way that protects and advocates for children.

Shannon Griffin thanked Councilman Street for his continued advocacy. In addition to the Department of Education, she said that LEAs should be able to decide which cases can be legally referred and which cases cannot.

Chuck Longfellow asked if there is any process to amend the settlement to capture the intended vision for the Ombudsperson program. Councilman Street said that there is an amendment process involving the Chancellor, but there was resistance to changing the settlement after the contract was awarded. The conversation would need to happen before the next RFP is released.

Shannon asked Councilman Street to clarify when the Ombudsperson can make legal referrals and when they can act as a lay advocate under the current contract. Councilman Street said that this is currently being discussed with lawyers and the agency. Shannon later asked when can they anticipate those discussions to conclude. Councilman Street said that it is an ongoing conversation that will incorporate feedback from the Consortium.

Aaron said that, in the future, the work group should have a clear line of communication with Councilman Street to ensure that everyone's efforts are collaborative and in alignment. Councilman Street said that he is happy to continue the dialogue with those volunteering their time to the effort.

V. Non-Supplanting Language Discussion

Non-supplanting language was included in the settlement, which compels LEAs to use new funding for new programs and roles instead of existing programs and roles. This language limits the flexibility for LEAs to use new funding like the Opportunity Fund where it is most needed.

Chuck recommends, at a minimum, amending the settlement to allow for a waiver process for supplanting funds rather than explicitly prohibiting it. Aaron added that the intent of this language was to prevent abuse of the Opportunity Fund to fund programs unaligned with the goals of the Opportunity Fund.

Neil Kirschling said that a similar discussion was had at the Federal level about Every Student Succeeds Act (ESSA). This may be a good starting point for future conversations.

Chuck said he would draft language for discussion at the next meeting.

VI. Governor's Recommended FY23 Budget

The Governor's recommended budget included \$10.2 M for the Consortium and \$7.0 M for the Wilmington Learning Collaborative. It also included \$1.0 M for the Ombudsperson program, \$1.0 for the Independent Funding Assessment, \$4.0 for teacher recruitment and retention programs, and \$38.0 M for the Opportunity Fund. All of these amounts are in line with the settlement's requirements.

VII. Public Comment

Bill Doolittle said that the completed Ombudsperson bill will go to legislative cleanup before being introduced. He has some confidence that the Department of Education is open to amendments regarding legal referrals. He is also in support of adjusting the non-supplanting language to ensure funds are going to the best place.

The next Settlement Work Group will be meeting on May 23, at 5:00pm.

Meeting adjourned at 6:30 p.m.

Attendance

Work Group Members

Aaron Bass, Co-Chair
Chuck Longfellow, Co-Chair
Shannon Griffin
Tika Hartsock
Gary Henry
Monique Martin
Shelley Rouser
Neil Kirschling, for Sarah Stowens
Laurisa Schutt

Members of the Public

Matt Denn, Redding Consortium Co-chair
Bill Doolittle
Councilman Jea Street
Brendan Laux
Haley Qaissaunee
Kelly Sherretz