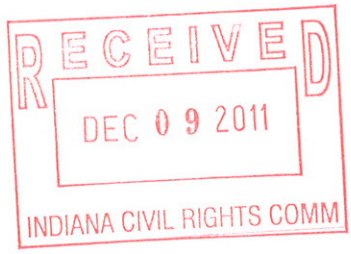


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INDIANA CIVIL RIGHTS COMMISSION
PUBLIC MEETING



ORIGINAL

Transcript of the proceedings held on the 18th day of
November, 2011, at 402 W. Washington Street, Conference
Center Room A, Indianapolis, Indiana, before Heather S.
Orbaugh, Notary Public in and for the County of Boone, State
of Indiana, CCR: LA.

ACCURATE REPORTING OF INDIANA
William F. Daniels, Prop., RPR/CP, CM
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1 A P P E A R A N C E S

2

3 David C. Carter - Vice Chairman

4 Joshua Brewster - Deputy Director

5 David Lange

6 Steven A. Ramos - Commissioner

7 Barry Baynard - Commissioner

8 Tehiji G. Crenshaw - Commissioner

9 Charles D. Gidney - Commissioner

10 Christina Catalan

11 Jamal Smith

12 Pamela Cook

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1 11:15 AM

2 NOVEMBER 17, 2011

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5 MR. CARTER: I would like to call the November
6 meeting of the Indiana Civil Rights Commission to order. We
7 have a quorum and before you we have the minutes and if I
8 could have a motion to accept the minutes, assuming you have
9 reviewed them, please.

10 MR. RAMOS: Second.

11 MS. CRENSHAW: Second.

12 MR. CARTER: All in favor?

13 (All responded aye.)

14 MR. CARTER: Financial reports. Ms. Cook?

15 MS. COOK: Good morning. You have the October
16 financial report in your packets. I would like to bring
17 your attention to Page 2 of the report, the summary fund
18 balance sheet. Under Business Fund, 61400, the cooperative
19 agreements. So far this fiscal year we received \$396,522 in
20 cooperative agreements, anticipating at this point an
21 additional \$104,500 forthcoming. If you have any questions
22 I would like to go ahead and take those at this time. Okay.
23 Thank you.

24 MR. CARTER: Thank you. We have no Old
25 Business and the public comments under New Business, if it

1 is all right with everyone, I would like to push back to
2 Letter L in the agenda so we can get our business out of the
3 way and devote our full attention to the public comments.
4 There are no Consent Agreements. Findings of Fact,
5 Conclusions of Law and Order, there are four: Timothy D.
6 Gee versus Metaldyne, Joanna Moore versus Balloon-a-wish,
7 Kimberly J. Lange versus Rolls Royce Corporation, ICRC on
8 behalf of Paul Glover versus Stallard & Associates, Inc. I
9 will entertain a motion to accept those findings.

10 MS. CRENSHAW: So moved.

11 MR. BAYNARD: Second.

12 MR. CARTER: All in favor?

13 (All responded aye.)

14 MR. CARTER: Which brings us to Report by
15 Commissioners on Complainant Appeals. Do you have anything
16 from Commissioner Blackburn.

17 MS. CATALAN: Commissioner Blackburn wants to
18 reverse both the Angela Washington versus Prompt Ambulance
19 Service case and the Jeff Moore versus Creekside Mobile Home
20 Park to probable cause cases.

21 MR. CARTER: Okay. May I have a --

22 MR. LANGE: That requires first a notice that
23 reversal is being considered and the respondent would have
24 an opportunity to file written objections that the reversal
25 could occur.

1 MR. CARTER: May I have approval to send the
2 notice out.

3 MR. GARCIA: So moved.

4 MS. CRENSHAW: Second

5 MR. CARTER: All in favor?

6 (All responded aye.)

7 MR. CARTER: Thank you. Commissioner Baynard?

8 MR. BAYNARD: In the case of Kim Kay versus
9 The Villages of Eagle Creek Homeowners Association and Karen
10 Johnson versus The waters of Indianapolis I would recommend
11 we uphold the deputy director's finding of no probable
12 cause.

13 MR. CARTER: And may I have a motion to accept
14 that recommendation?

15 MR. RAMOS: So moved.

16 MR. GIDNEY: Second.

17 MR. CARTER: All in favor?

18 (All responded aye.)

19 MR. CARTER: My cases, Brian Davis versus
20 Kingston Square Apartments, I recommend that we uphold the
21 no reasonable cause finding, and may I have a motion to
22 accept that recommendation?

23 MR. BAYNARD: So moved.

24 MR. RAMOS: Second.

25 MR. CARTER: All in favor?

1 (All responded aye.)

2 MR. CARTER: Thank you. And in the case of
3 Kara Moore versus King Gyro's, I would also like to reverse
4 that one on the grounds that the no probable cause finding
5 was pretty much totally based on the testimony of one
6 witness who then recanted in writing and that seems to
7 change matters. So may I have a motion to send that notice
8 out as well?

9 MR. GARCIA: So moved.

10 MS. CRENSHAW: Second.

11 MR. CARTER: All in favor?

12 (All responded aye.)

13 MR. CARTER: Commissioner Crenshaw?

14 MS. CRENSHAW: In the cases of Larry
15 Fullington versus Claudeen Crump and Joseph Marcum versus
16 Claudeen Crump, I would like to reverse the findings of no
17 probable cause to probable cause on the basis of there are
18 some issues with the eviction and condition of one of the
19 renter's health issues that might have been taken into
20 consideration for the eviction.

21 MR. CARTER: May I have a motion to send out a
22 notice?

23 MR. GIDNEY: So moved.

24 MR. GARCIA: Second.

25 MR. CARTER: Thank you all in favor?

1 (All responded aye.)

2 MR. CARTER: Mr. Garcia, what would you like
3 to send back?

4 (Laughter.)

5 MR. GARCIA: In the case of Henry Davis versus
6 the Indiana Gaming Commission, I would like to recommend to
7 the commission that we concur with the deputy director's
8 finding of no probable case finding.

9 MR. CARTER: Okay. May I have a motion to
10 accept that recommendation?

11 MR. BAYNARD: So moved.

12 MR. RAMOS: Second.

13 MR. CARTER: All in favor?

14 (All responded aye.)

15 MR. GARCIA: In the case of Nadine Smith on
16 behalf of LaDawn Wheeler versus IU Health Methodist
17 Hospital, I recommend we concur with the recommendation of
18 no probable cause due to administrative dismissal.

19 MR. CARTER: Okay. May I have a motion to
20 accept that recommendation?

21 MR. BAYNARD: So moved.

22 MR. CARTER: And a second?

23 MR. RAMOS: Second.

24 MR. CARTER: All in favor?

25 (All responded aye.)

1 MR. CARTER: Commissioner Ramos, you are not
2 listed but you have a case.

3 MR. RAMOS: I do. In the case of Brian
4 Stevens versus Matthew Grantham, I recommend that we uphold
5 the director's findings of no probable cause.

6 MR. CARTER: And may I have a motion to accept
7 that recommendation?

8 MS. CRENSHAW: So moved.

9 MR. CARTER: And a second.

10 MR. BAYNARD: Second.

11 MR. CARTER: All in favor?

12 (All responded aye.)

13 MR. CARTER: Mr. Gidney?

14 MR. GIDNEY: I actually have a case that is
15 not on the agenda, but I did review it. Tomeka Boone versus
16 Richfield Apartments of West Lafayette. In that case my
17 recommendation is to uphold the finding of no probable
18 cause. Also with the case of Crystal Beneker versus
19 Mainsource Bank, my recommendation is to uphold the finding
20 of no probable cause. Where I differ is on the case of
21 Patricia Sims versus Peoples Bank. There was a motion of
22 administrative dismissal and I recommend that we
23 grant further review.

24 MR. CARTER: Okay. Let's do the other two
25 first. May I have a motion to accept the no probable cause

1 recommendation on the Boone and Beneker cases?

2 MR. RAMOS: So moved.

3 MR. GARCIA: Second.

4 MR. CARTER: All in favor?

5 (All responded aye.)

6 MR. CARTER: And a motion to remand for
7 further investigation the Sims versus People's Bank case?

8 MS. CRENSHAW: So moved.

9 MR. CARTER: Second?

10 MR. GARCIA: Second.

11 MR. CARTER: All in favor?

12 (All responded aye.)

13 MR. CARTER: Thank you. Assignment of Appeals
14 to Commissioners. Mr. Baynard if you would review Clint
15 Cowles versus Superior Small Engines. I will review Gordon
16 Dempsey versus Indiana Supreme Court Disciplinary
17 Commission. Commissioner Crenshaw, Jacky Haskins versus
18 Wal-Mart Stores East. Commissioner Garcia, Kazu Onishi
19 versus Regency Place of Dyer. And Commissioner Gidney and
20 Commissioner Ramos get off without a case this time, which
21 brings us to the Administrative Update.

22 MR. SMITH: I want to touch base on a lot of
23 the outreach. We had on the 10th an EEOC/diversity
24 harassment training in the town of Highland requested by Mr.
25 John Bock of the public works -- director of public works

1 there. The training went well. The 29th we have a fair
2 housing training here in Indianapolis, neighborhood housing
3 partnership, request for training from a Mr. Moore, he is
4 with community development there. In December we have
5 another -- the last of our CLE series, one of which will
6 take place here in Indianapolis. The other will be in
7 Evansville as a replacement for the one that we didn't get
8 out to do last month.

9 Other things to note is the MLK event coming up in
10 January, the youth summit that will take place at the
11 Indiana State Museum. Of course historically the commission
12 partners with the MLK Commission to put on the event. So
13 you have the education youth summit that is headed by the
14 museum and will take place at the museum. The celebration
15 of the awards will take place in the Rotunda. One of the
16 things that the staff has brainstormed and decided to add is
17 a day of service in light of the works and spirit of
18 Dr. King and not to give out awards but to actually go out
19 and have a day of service. The theory behind that is to
20 collaborate a lot of the community organizations. It is in
21 the middle of January so we have to take that in mind as
22 well, but some street clean up and shovel sidewalks for the
23 disabled and elderly, clean up some trash. We are having
24 talks with the City here in hopes that -- and they have
25 agreed to give us all of the supplies and provide some

1 manpower. We are looking at some other organizations
2 helping to pull that off. We are also having conversations
3 with Indiana Black Expo. The idea behind that is the agency
4 sponsorship. We want to leverage that sponsorship and
5 ideally take place in chapters they have throughout the
6 state, because ideally we want to make it a statewide day of
7 service. We are hoping the local human rights commissions
8 will team up with their chapter of IBE and have a day of
9 service in their respective city as well.

10 We are still in the planning processes for that but
11 it is going fairly well. The City has joined in and we have
12 committed to it. We are looking forward to that. That will
13 take place on the 13th of January.

14 Other things to note, you guys should have received,
15 the commission as well as our community stakeholders, the
16 newsletter. We touched base on sexual harassment, not only
17 have we seen an increase in the area of sexual harassment at
18 the Commission, but I think nationwide there is a lot of
19 sexual harassment so we touched a bit on that. We will get
20 an opportunity to take a look into that.

21 Other things lastly to note, as part of our outreach
22 we reached out to all the local human rights commissions in
23 an efforts to sign (inaudible) agreement. We just received
24 one back in from Tippecanoe County Human Relations
25 Commission so we are excited about that. So we have a

1 Lafayette Human Relations Commission and so we hope to in
2 the very near future put together a program where we can go
3 provide training and education in the northwest part of the
4 state as well. Any questions on that piece so far?

5 MR. GARCIA: I wanted to comment on your visit
6 to Highland. Mr. Bock, he is a client of mine and he was
7 very, very grateful for the visit and he was real happy with
8 the timely response to be able to come up and visit.

9 MR. SMITH: Great. Thanks I appreciate that.
10 On all accounts it was a great turnout, great training. Any
11 other questions about that piece? We also wanted to touch
12 on -- Commissioner Ramos brought up some questions about the
13 budget obviously and I wanted to digress a bit and discuss
14 the financial report. The question was along the lines of
15 the administrative expenses being a little higher than they
16 have been in previous years, and I wanted to point out a few
17 things. This year we have spent a little over 49 grand in
18 this fiscal year, about halfway through the fiscal year.
19 All the administrative expenses which include travel, which
20 I think is important to note as part of this new plan, the
21 agency is getting out a lot more in various parts of the
22 state, Highland, Evansville, Gary, everywhere we are going
23 so there is a concerted effort and expenses occurred as a
24 comparison to other years.

25 Last fiscal year the administrative or the travel was

1 broken out and so it looks a little different. There was 16
2 grand for the administrative for travel, 75 for
3 administrative, 92 grand, so we are not too far off from
4 that fiscal year. Prior to that we were combined at 133, so
5 we are actually on pace to be under that amount for two
6 fiscal years. Prior to that, there was not much at all
7 spent in the way of travel administrative expenses. I guess
8 from a historical count, a lot of the records and some
9 research on which the agency had done wasn't a lot in the
10 area of outreach, which kind of made sense with the comments
11 that we got about getting out and the agency not being
12 around as well as some of the feedback we have gotten from
13 the local human relations commissions about feeling
14 comfortable that we weren't in their neighborhood so to
15 speak.

16 I think the biggest cost difference there, fiscal
17 year 2009 and back would be the outreach and rebranding and
18 education things that we are doing, which is requiring a lot
19 of the agency to be out in a lot more cities. So we have a
20 lot of our investigators and directors out putting on these
21 training, touching base with a lot of businesses. There is
22 a lot of collaborative effort. One agency car, we only have
23 one, we try to share that as best as possible but when two
24 groups want to go at the same time, we have to use the
25 state's rental, Enterprise, and that increases

1 administrative expenses as well. We try to do our best to
2 make sure that we go early enough in the day so that staff
3 can come back and won't have to stay over so that helps to
4 mitigate some expenses. I would attribute the increase to
5 that particular line item particularly would be the outreach
6 and education.

7 MR. RAMOS: If I could follow up on that, I
8 think that's a good thing. We need to be out there, but
9 just from an outlook standpoint, what do you anticipate for
10 year end on that same budget item?

11 MR. SMITH: I don't think we will spend as
12 much on the latter end on that side of things. And, again,
13 even at this rate we are on pace to be below where we were
14 two years ago, which is a good thing. I think we have done
15 a lot of front-loading. We had to do as part of this, too,
16 we had to do logo, web site, a lot of expenses went into
17 that as well. Those items are one and done, those aren't
18 reoccurring costs that will surface again, so I expect the
19 latter end to be a lot less than the front end of the year.

20 MR. RAMOS: If you are pulling out -- if you
21 are over on one budget, you have to be offsetting another,
22 what are --

23 MR. SMITH: We weren't over really. We
24 weren't spending, we reverted I want to say a little over
25 \$100,000 back in monies not spent. There was no sense in

1 keeping it but if we can leverage it and use it for the
2 better good of the agency, which is what we have done this
3 year. Luckily we are in a position where we don't have to
4 pull from any other pockets of money. In fact, those
5 pockets have increased. There is a correlation -- if you
6 look at the report -- for the number of cases that have come
7 in, there has been a steady uptake since we started this
8 outreach piece in the number of cases that we have gotten in
9 and the number of cases that have been investigated, which
10 obviously correlates to money we get from our contracts,
11 EEOC and HUD, and so those pockets of money have actually
12 increased.

13 Along with that have been agreements that we
14 structured with IHEBA, for example, state agencies that
15 reciprocates the cost or offset some of those costs that we
16 do in the area of outreach education, how IHEBA foots a
17 large hunk of that bill. So in many cases the monies that
18 we are spending aren't necessarily being taken out of the
19 pot that we have, it comes from various pots that we have
20 set up.

21 We also try, again, as a part of the strategic plan
22 was to develop an agreement or MOU, if you will, for the
23 minimum of two local community organizations so that we can
24 offset some of that travel, which is why I say I think we
25 front-loaded. A lot of that outreach is turning into some

1 MOUs so that the next time we need to go back to that
2 community, we don't have to take the entire staff or any
3 staff at all for that matter, we can send materials and who
4 is there locally can conduct the training or the educational
5 seminar.

6 We also looked at some electronic training, some
7 webinars and we have had some conversations with Ivy Tech
8 about doing a virtual seminar whereas every city with an Ivy
9 Tech campus, you can go to that Ivy Tech and here locally in
10 Indianapolis they will provide the training streamed live
11 and they will receive it there. Minimum to no cost at all
12 for all parties at all. But in order to do that, we have
13 got to get our brand, our name out there so folks will know
14 what we are doing. Even that will be a lost cause without I
15 think these initial efforts with the rebranding and the
16 outreach and the education.

17 MR. RAMOS: Okay. Thank you.

18 MR. SMITH: Last but not least, a few
19 personnel pieces we have had. Some investigators, some
20 change in our investigative unit as well as intake staff;
21 one of which is over the promotion of Wanda Sharp who has
22 been with the agency for a little over -- almost ten years I
23 think and has moved up through the ranks and has now been
24 promoted to one of our investigators so we applaud Wanda and
25 share the best for her. We brought on Danielle Buckle and

1 Ms. Phyllis Thornton will be joining our intake division,
2 replacing a large customer service piece of this portion.
3 And so we are excited to have them on board. And then last
4 but not least, Leah Ross will be joining November 28 as an
5 employment investigator as well.

6 We also are bracing ourselves for that uptake.
7 Again, we struck the deal with EEOC receiving a lot of their
8 cases and so we are bracing ourselves to have a little bit
9 of that coming in as well. So in the investigative unit we
10 now have five investigators ready, willing, and able to
11 investigate whatever case they receive. That concludes the
12 director's report. If there are any questions, I will take
13 them at this point. Thank you.

14 MR. CARTER: Hearing none, Deputy Director
15 Brewster, do you have something to add

16 MR. BREWSTER: No.

17 MR. CARTER: Okay. That will then bring us to
18 the public comments. The floor is yours.

19 MS. CRAIG: Thank you. Good morning. I am
20 Carole Craig and I represent the Greater Indianapolis NAACP.
21 I am cochair of the education committee and with me this
22 morning I have our first vice president. Our president was
23 unable to be with us, but our first vice president, Syd
24 Taylor, and another one of our members, he had to step out,
25 is John Laughlin, but we are representing the NAACP

1 education committee.

2 Before I begin, I want to thank you for the
3 opportunity for public comments. Thank you, Chair Person
4 Carter and the other members, and I appreciate the
5 opportunities we have had to speak with Executive Director
6 Jamal Smith about this issue as well prior to this meeting.

7 I am an educator. I am a retired principal, and as I
8 indicated I am an educator. The greater Indianapolis NAACP
9 has as the objective today to emphasize the necessity for
10 acting swiftly to enforce the intent of House Enrolled Act
11 1419. The history of this law goes back to the Governor's
12 commission of 2007 to address the disproportionate rates of
13 children of color as it pertains to being active in the
14 juvenile justice system, the child welfare system, health
15 and education. Disproportionality was clearly defined for
16 each of these with a total of 45 recommendations alone just
17 in the area of education. And I want to say that on that
18 commission we had representation from the NAACP and I am
19 currently on the Indiana Disproportionality Committee
20 focused on education.

21 The legislature approved many of these
22 recommendations and enacted education nine new education
23 laws to address these disparities. One of these laws was HEA
24 1419. The intent of this law as one knows from the history
25 behind the law was to reduce disproportionalities in student

1 discipline. Reductions would increase student academic
2 outcomes and reduce the school to prison pipeline that
3 results from students being continually suspended.

4 Representatives that are here today from the NAACP,
5 we are addressing this continued disproportionality in out
6 of school suspensions. Prior to the enactment of 1419 Russ
7 skiba through the Equity Project had provided considerable
8 research and data points indicating that the preponderance
9 of suspensions for students of color were for subjective
10 reasons, reasons that are characterized as "other" and
11 "defiance" and "failure to obey."

12 Suspensions for white students, however, were for
13 objective reasons such as smoking and vandalism. In several
14 national reports such as the Schott report, Indiana has
15 stood out as an area with high disproportionality for
16 students of color. Students of color were three times more
17 likely to be suspended out of school than their white peers.
18 Paralleling these statistics are the disproportionality in
19 dropout rates and incarceration rates.

20 In 2009 and again in 2011, the Greater Indianapolis
21 NAACP asked for the most recent data on suspensions in the
22 Indianapolis area. Documentation from Karega Rausch, who
23 was with the Mayor's office at that time, and more recently
24 from the Indiana Department of Education, indicate continued
25 disproportionalities in suspensions. We, and that's the

1 NAACP, have all of the corporation data for Marion County
2 and the data demonstrates significant disproportionality as
3 compared to the ethnic enrollments in these schools.

4 And what we did with the data that we received from
5 the IDOE, we took that information into graph form. We took
6 it into pie graphs and bar charts to see how that looked in
7 terms of the various ethnic groups and the various offenses,
8 and the data showed significant disparity as it pertained to
9 African American students and enrollment. For example, some
10 schools would have 37 percent enrollment and 70 percent
11 suspensions for other, not weapons and drugs, but other.

12 We recognize that many of the corporations have met
13 the letter of the law provided by 1419 in their school
14 discipline plans; however, it is our belief that these
15 guidelines in that law are not sufficient in their strength
16 to address the intent of the law. And we have had
17 conversations with IDOE staff, we believe that they are
18 excellent staff at IDOE that is working on this law. We
19 have indicated that we felt that there needs to be more
20 strength in that law. The United States Secretary of
21 Education Arne Duncan mentioned in a 2010 address that this
22 continued disproportionality in student discipline is a
23 civil rights issue, and this is the reason why we are here
24 today before you commissioners.

25 The national NAACP Education Department has listed

1 this issue which falls under zero tolerance policies and
2 disparities in student discipline as one of the main areas
3 negatively impacting civil rights for children of color. In
4 addition, the October 11, 2011, National Education Policy
5 Center report on "Discipline Policies, Successful Schools,
6 and Racial Justice," by Daniel Losen, who has done a lot of
7 work in this area, in fact he did a lot of work with Russ
8 Skiba, documents the policy issues associated with the
9 continuation of many of these practices being
10 disproportionality and outlines several recommendations for
11 states.

12 I want to point out that one of his main
13 recommendations which you will find in the executive summary
14 on Page 2 of that summary, it says, "Civil rights
15 enforcement agents should use the disparate impact standard
16 of legal review as grounds to pursue remedies for the unjust
17 and unnecessary removal of children from school."

18 Thus lays the reason for our presence this morning.
19 We are asking the commissioners to examine this Indiana
20 suspension data which has been persistent for some time and
21 take appropriate steps in working with effective school
22 corporations in reducing these numbers. And I want to
23 indicate what we as the NAACP have been doing. We are a
24 call to action campaign against these out of school
25 suspensions for non-violent offenses. When we collected the

1 data as a part of our call to action plan, we decided that
2 we would work collaboratively with the school corporation in
3 Marion County. I am a former educator and many on our
4 committee are former educators and we know that there are a
5 lot of dilemmas and challenges with this issue so we wanted
6 to be collaborative. So we have already met with four
7 school corporations where we met with the superintendents
8 and administrative staff to talk about this issue, and also
9 to talk about recommendations that have been researched
10 across the country to help reduce that.

11 So we believe that we are joint stakeholders and own
12 responsibility as well as agents such as yourself in trying
13 to reduce this. But we are asking for a response, please,
14 to this issue so that we won't continually lose our
15 children. It is our position that failure to take swift
16 action to eliminate these disparities will cause Indiana to
17 significantly lag behind in terms of social justice where
18 all of the citizens with respect to providing an equal
19 education for all. So thank you from our president,
20 Chrystal Ratcliffe. Thank you. Are there any questions?

21 MR. RAMOS: I have a question. First I would
22 like to commend you on -- thank you for being a principal.
23 I know it is a lot of work, my wife is a teacher so I
24 understand. Was that here in IPS?

25 MS. CRAIG: Yes. I was principal for nine

1 years at the middle school level, the hormone level.

2 MR. RAMOS: My question to you is in your
3 school did you see also a disproportion in how this was
4 handled?

5 MS. CRAIG: Exactly. And that is why we
6 started an intense program of culture competence. We did
7 that before the law was instituted. The law was in 2004, I
8 was principal in the late '80s and early '90s and through
9 2001. So we had intense culture competence training because
10 there is a culture mismatch in Indiana and particularly at
11 the K through 12 level, right now there are only 3.3
12 percent teachers of color in the state and it is continually
13 going down. And of course we know the children in the
14 public schools, that percentage continues to rise for
15 children of color. So there is a mismatch.

16 And then, second, we found that there are a lot of
17 educators that don't realize the data that Russ Skiba
18 indicated showing suspensions don't work. It is kind of
19 like the prison system, it doesn't work. There needs to be
20 more proactive measures of working with children
21 specifically when we are not talking about violent
22 behaviors. We are not talking about drugs and weapons and
23 fights, sure, those children have to be removed for the
24 safety of all children. But for other offenses, schools
25 need to be more proactive in working with the children for a

1 more positive relationship with the children in the schools
2 and then cultural training so that teachers know how to have
3 positive interactions with communication styles that may be
4 different from theirs and to be culturally sensitive to the
5 culture of the children so they are not removed from school.

6 MR. RAMOS: Is that also in the bill, the
7 recommendations as we sit here, your executive summary?

8 MS. CRAIG: Yes. But let me back up. The
9 2004 is the culture competency law. In the HEA 1419, that
10 is just a may, the language is may. I did my own analysis
11 of the law, and it is no disrespect to the persons who put
12 the law together or who voted on it or even guidelines for
13 the Department of Ed because I highly respect Barry Green
14 and Dee Kimson who are part of the Department of Ed on this
15 law, but the language would be language I would say would
16 cause people to just comply with language rather than
17 intent. Having been a part of disproportionality committee
18 work, the intent is to reduce that disproportionality, just
19 not comply with specific bullet points.

20 We have also taken the discipline plans from each of
21 the corporations and we have students from Butler University
22 who are part of our partnership who help us look at data and
23 plans, and as we look at it, we have questions about whether
24 or not the school systems would be able to reduce
25 disproportionality just by complying with the language of

1 the plan. I hope that answers your question.

2 MR. RAMOS: It does. I totally agree that
3 suspension is not the right answer. We provide these young
4 men and women the opportunity to go home and play video
5 games when they should be in school?

6 A Absolutely. If I may say, last semester Butler
7 students with the permission of IPS did a survey with one of
8 the IPS schools, and we are leaving the school unnamed, but
9 they did a survey with students and teachers and
10 administrators to see if the suspensions for "other" were
11 effective, and the answer was no based on the surveys.

12 MR. RAMOS: Thank you.

13 MR. GIDNEY: I just wanted to make a comment,
14 I do appreciate the time that you did take to come out. and
15 a lot of what you said isn't necessarily new information to
16 us. One of our previous deputy directors, Christine
17 St. Debackas (phonetic) she was actually approved just
18 before coming to the commission and so she brought up a lot
19 of some of the issues that you mentioned.

20 MS. CRAIG: I worked with her, yes.

21 MR. GIDNEY: Because she was launching the
22 Educational Steering Committee as part of a branch of the
23 Indiana Civil Rights Commission during the time that she
24 served as deputy director. It is kind of one of those
25 things that in between administrations it seemed like it

1 kind of got tabled so I appreciate you coming out and
2 reiterating the concerns and perhaps the Deputy Director
3 Brewster may be if there was anything that was left over
4 from Christine that is in-house, perhaps we can revive that.

5 MS. CRAIG: Thank you very much. We care
6 about our children and our children are our future and we
7 cannot let atrocities continue for 30 or more years, and
8 plus we were all surprised to when we researched this to
9 find out that Indianapolis stands out.

10 MR. GIDNEY: Thank you.

11 MS. CRAIG: Thank you very much for your time.

12 MR. CARTER: Did you have some comment?

13 MR. MOORE: You already talked on the subject
14 we came for, Creekside Mobile Home Park.

15 MR. CARTER: Was that a case that we ruled on?
16 My understanding is that a letter has to be sent out to both
17 parties saying that has been reversed.

18 MR. LANGE: Reversal is being considered.

19 MR. CARTER: Reversal is being considered. I
20 assume you are one of the parties, the other party has the
21 option of saying they don't agree and --

22 MR. LANGE: They have 15 days to file written
23 objections and then thereafter the commissioner will take
24 that into account.

25 MR. MOORE: I thought this was -- you couldn't

1 appeal this decision, that's what the letter I received
2 said.

3 MR. CARTER: Well --

4 MR. LANGE: If there were a final decision at
5 this meeting, then it could not be appealed. That's not
6 what happened.

7 MR. CARTER: You presumably appealed and that
8 appeal met with Commissioner Blackburn agreeing with you but
9 without hearing from the other side, and so now the other
10 side gets to say their side of it and it is like --

11 MR. MOORE: Her side has been nothing but
12 lies.

13 MR. CARTER: Well, it is kind of like the end
14 of a tennis match, one point advantage to one side and then
15 it is one point advantage to the other side, and it goes
16 until a decision is made. But each side has to be able to
17 say what they think.

18 MR. LANGE: If I am thinking of the same form
19 letter that you got, it meant that if the Commission had
20 adopted the no probable cause finding then that would be
21 final, but that's not what they did. What happens is they
22 send out this notice and the respondent gets the opportunity
23 to respond to it and then Chairman Blackburn will rule next
24 month.

25 MR. MOORE: At the next hearing?

1 MR. LANGE: Right.

2 MR. MOORE: What day will that be?

3 MR. CARTER: The 16th of December.

4 MR. MOORE: Thank you

5 MR. LANGE: You are welcome.

6 MR. CARTER: Thank you for coming and thank
7 you Ms. Craig for your presentation. Are there any further
8 comments, announcements.

9 MS. CRENSHAW: What is your name, sir?

10 MR. MOORE: Jeff Moore.

11 MR. CARTER: Thank you. We will make note of
12 the fact that the next meeting is the 16th of December and
13 unless there are other comments, we can adjourn. Stay for
14 signature.

15 (Proceedings adjourned at 11:58 a.m.)
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CERTIFICATE

STATE OF INDIANA)
) ss:
COUNTY OF BOONE)

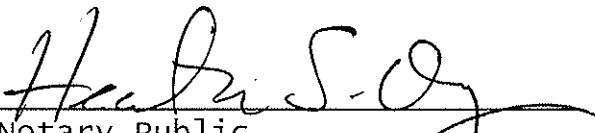
I, Heather S. Orbaugh, the undersigned Court Reporter and Notary Public residing and maintaining offices in the City of Zionsville, Boone County, Indiana, do hereby certify:

That I reported to the best of my ability in machine shorthand all of the words spoken by all parties in attendance during the course of the ensuing proceedings, including objections, if any, made by all counsel present;

That I later reduced my shorthand notes into the foregoing typewritten transcript form, which typewritten transcript is a true record to the best of my ability of the testimony given by the witness as stated above;

That I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or an employee of such attorney or counsel, and that I am not financially interested in this action.

IN WITNESS HERETO, I have affixed my Notarial Seal and subscribed my signature below this 7th day of December, 2011.


Notary Public
County of Residence: Boone (Seal)

My Commission Expires on: April 27, 2017