

DE Equity Funding Collaborative Explores What Resources Schools Need to Do More for Our Children

Contributed Article by Shannon Griffin, ACLU-DE Community & Project Organizer



SHANNON GRIFFIN
COMMUNITY &
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Most elected officials, community leaders, educators and community members agree: our schools need a better funding system. Unfortunately, that discussion often halts at the question “OK, but how?”

Advisory groups, task forces and committees have worked tirelessly for years to address this issue, but here we are – over a decade since those conversations began – and we don’t have any solutions. The Delaware Equity Funding Collaborative (DEFC) aims to tackle this problem from a different perspective.

Instead of focusing on how we should fund schools, DEFC focuses on what high-poverty schools require to successfully educate and prepare all students for successful lives and careers.

Bill Doolittle, Vice President of At Risk Children with the Delaware Parent Teacher Association said, “The core difference in the DEFC work is that it looks at comprehensively meeting the needs of students living in poverty that can be addressed within the school system with the goal of allowing every student the opportunity to meet their potential. As a non-governmental stakeholder group, we can do this work based on

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—Bill Doolittle

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Over the past year, lead organizers from the ACLU of Delaware, the Delaware Parent and Teacher Association (DE-PTA) and the Delaware State Education Associations (DSEA) have assembled educators, parents and community advocates for one simple goal: to ensure all students living in poverty in Delaware will have access to a high-quality K-12 education.

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Executive Director's Notes

Shipping Inmates Out-of-State Isn't the Long-Term Answer

On November 7th, the Delaware Department of Correction began moving prisoners out of James T. Vaughn Correctional Center to a prison in Pennsylvania. The reason for the move is chronic understaffing and forced overtime due to insufficient prison guards in the state's system. A recent news report indicated that there were 237 guard positions vacant despite a salary increase and a signing bonus that was negotiated with the Correctional Officers Association of Delaware earlier this year.

The plan is to move a total of 330 inmates at a cost of \$123 per day. When all inmates are moved, the state will be paying \$14.8 million per year. SCI Camp Hill near Harrisburg, the prisoners' first stop, is a processing center. Family members are reporting to us that their loved ones will be classified and possibly moved to other facilities throughout Pennsylvania and that there will be no family contact permitted for the first four to six weeks after the initial move.

We are working to learn more about this transfer so that we can help ensure the safety of Delaware inmates. In 2017, Vermont transferred over 200 prisoners to Camp Hill and then moved them again to Mississippi in September 2018 after four deaths and numerous complaints of terrible conditions.

We understand that the state may view this transfer as a short-term solution to their staffing problem. However, there are alternatives

to simply shipping our inmates out of state and away from their families that Governor Carney isn't fully considering.

According to the DDOC website, there are about 1,000 prisoners being held pre-trial because they can't make bail. We know that some of these people are not dangerous and are only incarcerated because they are poor. A review of the bail terms of the lowest level offenders could significantly reduce short-term overcrowding.

According to the 2017 DDOC annual report, 281 prisoners were 61 years of age or older and 61 of them were 71 years or older. It is well established that people "age out" of criminal behavior and the state already has a law on the books that allows for review of a prisoner's sentence and "compassionate release" if warranted. Certainly, some number of these older prisoners can be let out.

If Delaware is going to seriously reduce our rate of incarceration, we must put fewer people behind bars in the first place and lower the number of years that they stay there. I urge Governor Carney to look for more creative solutions to the overcrowding problem than spending millions of dollars to ship Delawareans far from their family and friends.



Kathleen MacRae

DEFC, CONT. FROM PAGE 1

According to the Delaware Department of Education, 103 of Delaware's 221 public schools have 40 percent or more students living in poverty. Further research conducted by DEFC found that another 69 schools have 25 - 39 percent of students living in poverty.

After thorough study of best practices and feedback from stakeholders working in schools, DEFC's collaborative work sessions identified the following areas of need to focus their efforts:

- Increased staffing in the highest-needs schools;
- Recruitment and retention of quality educators;
- Training and professional development;
- Extending learning opportunities; and
- Facility quality.

The Delaware Equity Funding Collaborative recognizes the need for fundamental

restructuring and reallocation of resources – as well as new revenue for our neediest schools and students.

Over the next several months, DEFC will host a series of focus groups to discuss our findings and cost estimates, and attempt to use their findings to get past the "how."

Want to join DEFC or host a focus group? Please contact, Shannon Griffin at 302-654-5326 or via email at sgriffin@aclu-de.org.



SB 85: A Different Approach to School Discipline

Senate Bill 85 (SB 85) is a hands-on approach to implementing restorative justice practices in Delaware's schools and keeping kids in school and out of the hands of the criminal justice system. Senator Margaret Rose Henry was the primary sponsor of this bill.

Why Was SB 85 Necessary?

- 69 percent of all out of school suspensions are for low-level offenses
- African American students, especially boys, are two to three times more likely to receive a suspension

- Special education students are two times more likely to receive a suspension
- Repeated suspensions are ineffective ways to change or improve student behavior

The Projected Timeline for Implementation

- **October 31, 2018:** Delaware Department of Education (DDOE) published a discipline report, separating out-of-school suspension data by race, gender, low income and special education
- **November 1, 2019:** DDOE identifies districts and schools reporting out-of-school suspensions of 20 percent or more disparity among any of the identified subgroups

- Schools will be required to develop a corrective action plan with input from administrators, educators, parents, students and community members
- **November 1, 2020:** Schools must have plans approved by their local school boards and made available to the public
- Schools will be removed from the "watch list" after three consecutive years of reduction in out-of-school suspensions under the 20 percent threshold
- The threshold for out-of-school suspension rates will decrease every year by 5 percent, leveling at 8 percent by 2023



Post-Election: What’s Next for Smart Justice in Delaware?

As a result of the election on November 6th, prospects for criminal justice reform here in Delaware look brighter. Kathy Jennings will be sworn in as the attorney general in January after campaigning on many common sense reform issues. We look forward to partnering with her and other non-profit and grassroots organizations to promote an agenda that will have a direct impact on reducing the number of people in Delaware prisons.

For the better part of this year, ACLU-DE has focused a spotlight on the race for AG. We launched the www.VoteSmartJusticeDE.org website that informs voters about what the AG does and why it matters. We laid out the platform that will lead to success:

- Expand use of alternatives to prison
- Send fewer people to prison with shorter sentences
- End money bail
- Expand data collection to identify racial bias and disparities in prosecution
- Establish a community accountability committee

Now we look forward to implementing it.

Exactly how the turnover of 12 House seats and four Senate seats in the General Assembly will impact our reform effort remains to be seen. Democrats strengthened their majorities by one vote in each chamber, but that doesn’t really tell us anything. In conservative states like Texas, Oklahoma and Louisiana, Republicans have led the criminal justice reform effort. And there are plenty of conservative Democrats, many of them with close ties to the law enforcement community, who are already on record against some reforms.

The www.VoteSmartJusticeDE.org website also published results of a General Assembly questionnaire that we sent to all candidates, but not all of the candidates responded. Perhaps they don’t want to be on the record, but you, as a constituent, deserve to know their positions.

We hope you will become an active citizen lobbyist in 2019 and help us make significant progress. You can sign up for email alerts at www.VoteSmartJusticeDE.org or follow us on Facebook and Twitter. We’re looking forward to working together with you and our coalition partners.

Thank you for voting Smart Justice, Delaware!

“[November 6,] 2018 will be remembered as the day American voters continued to reject the nation’s cruel, racist, and wasteful criminal justice system ...Voters from coast to coast, in red and blue states alike, predominately chose to bring common sense and justice back to a system deprived of both for far too long.

The ACLU will continue to fight to ensure more states embrace our smart justice principles and reforms as we head into the pivotal 2020 elections.”– Udi Ofer, Deputy National Political Director and Director of Campaign for Smart Justice, ACLU.




2018 Kandler Memories

Thanks to everyone who made the 33rd Annual Kandler Memorial Awards Dinner a success! Our program, Courage & Vision: Champions of Liberty, recognized the life’s work of three extraordinary Delawareans: Steve Elkins, founding director of CAMP Rehoboth; Maria Matos, President/ CEO of the Latin American Community Center; and Kevin O’Connell from the Office of Defense Services, recipient of this year’s Clarence Darrow Award.

A great list of sponsors is worth repeating, and we’re thrilled to enjoy the support of these generous Kandler supporters:

- Defender of Liberty**
David & Sally McBride
- Partner in Justice**
CAMP Rehoboth
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Jeff Raffel
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CASE DOCKET

Right to Counsel. In October 2018, we filed an amicus curiae brief in support of Jacquez Robinson. In that Delaware Supreme Court case, the State maintains that it can secretly read an inmate’s attorney-client communications without seeking permission or even informing the court. Our brief argues that such an invasion of the attorney-client privilege is a clear violation of the Sixth Amendment’s guarantee of a right to counsel in criminal matters.

Adequate Education. We are proceeding with our lawsuit asserting that Delaware’s education system is not providing all students with a meaningful opportunity to obtain an adequate education. In October, the Court of Chancery denied the motions filed by the three counties to dismiss the part of the lawsuit related to outdated property assessments. The counties’ failure to perform property assessments harms disadvantaged students by lowering the amount of money that school districts are able to raise through property taxes. We are still waiting for the Court to decide the motion to dismiss filed by the State concerning the other claims in the lawsuit and we expect a decision before the end of the year.

Muslim Ban. In April 2017, along with other ACLU affiliates we sued the Department of

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A Dreamer’s Christmas Wish

Contributed Article by Cecilia, a DACA Recipient



CECILIA ESCOBAR-DUPLAN
DACA RECIPIENT

My family’s Christmas traditions probably aren’t that different from yours: we put our decorated tree near the chimney, we string lights outside and decorate our lawn with a waving snowman to welcome our guests. Our stockings are hung, our nativity is displayed with baby Jesus at the center and our house is warm, comfortable and inviting.

What you can’t tell based on a summary of our picture-perfect holiday home is that we’re a family of seven who are fighting to stay together this Christmas—and every day after that, too.

My name is Cecilia, and I’m a DACA recipient.

My family has been fighting with the United States immigration courts since 2011, when my father was torn from our family home by I.C.E. without warning one night and faced deportation to Mexico. We were able to bring him home after that night, but it’s been a

non-stop battle to keep him here – and keep our family together – since then. We never know if each day with him in our home will be the last.

My family is a loving one; we’ll always greet you with warm, welcoming open arms. My father’s smile, my mother’s kindness and my siblings’ laughter are all real – but they mask the looming fear, anxiety and uncertainty that my family feels every single day.

So many families worry about what gifts they’ll receive or what kind of desserts they’ll serve at their Christmas gathering. Mine just worries about making it through the holidays without being separated once again.

My Christmas wish is to be freed of the overwhelming burden of constant fear, fatigue and pain. I want to be able to sleep through the night without worrying that my dad will be taken away from me.

We fight alongside of you for immigration reform in America because through this holiday and all others, this is our home, too.



‘Tis the Season for Giving – is ACLU-DE in Your Year-End Plan?

Your support of the ACLU keeps us on the front lines of the resistance each and every time President Trump threatens our most cherished freedoms. That fight is far from over—but there’s plenty of reason to hope.

In recent months, over 2,300 asylum-seeking children were reunited with their parents or caregivers. Mass incarceration and racial bias are being confronted head on by the ACLU Campaign for Smart Justice both locally and nationally. Also here in Delaware, we’re pressing on with our school funding lawsuit to give every student a fair chance at a good education.

All of this is happening because of ACLU supporters like you.

On Election Day with the election of a Democratic Congress, we the people rejected hate and voted to restore the checks and balances absent from the first two years of Trump’s presidency. No

matter what happens next, that momentum must continue.

As you plan your year-end giving, take a stand for justice and help keep us in the fight for freedom. Please consider a tax-deductible gift to the ACLU of Delaware. We can’t create a more perfect union without you.

Do you want to take advantage of the benefits of making a gift of stock? No matter what you originally paid for it, you can deduct the full, fair market value of a gift of stock that you’ve held for at least a year from your taxes. Or if an estate gift to the ACLU-DE better suits your financial plans, we’re happy to help with any arrangements.

For more information on giving, please contact Director of Development Dave Bever at (302) 654-5326, ext. 100 or via email at dbever@aclu-de.org.

Thank you for making a difference!

SUSSEX SERIES

“Making Waves”

MEETING #6:
INTRODUCING THE 2019-2020
ACLU-DE LEGISLATIVE AGENDA

Thursday, November 29
Fish On in Lewes, DE
Check our website for more info:
www.aclu-de.org

CASE DOCKET, CONT. FROM PAGE 6

Homeland Security to get access to documents concerning the implementation of President Trump’s January 27, 2017 Executive Order preventing people from certain Muslim-majority countries from traveling to the United States. As of September 2018, the Department of Homeland Security has informed us that they have processed over 99% of all potentially responsive emails and messages that we are seeking in our FOIA lawsuit. The case is proceeding in the Eastern District of Virginia.

Improper Arrests. We continue to pursue our class action lawsuit challenging false arrests carried out by the Wilmington Police Department. The department has a pattern of handcuffing people and transporting them to the police station without probable cause in violation of the Fourth Amendment, improperly classifying these arrestees as “two-hour” detentions under a decades-old statute concerning on-the-street stops. The motion to certify the class is pending.



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