

**DAVENPORT COMMUNITY SCHOOL DISTRICT
ACHIEVEMENT SERVICE CENTER
JIM HESTER BOARD ROOM
1606 BRADY STREET
DAVENPORT, IOWA**

**SPECIAL CALL OPEN SESSION
SEPTEMBER 16, 2013**

The Board of the Davenport Community School District in the Counties of Scott and Muscatine, State of Iowa, met for the Special Call Open Session on Monday, September 16, 2013 pursuant to law. The meeting was held in the Jim Hester Board Room, Achievement Service Center, 1606 Brady Street Davenport, Iowa, in said District. President Johanson called the meeting to order at 5:00PM.

On roll call the following board members were present: Directors: Ralph Johanson, Rich Clewell, Bill Sherwood, Larry Roberson, Nikki DeFauw and Ken Krumwiede. Patt Zamora was absent. Superintendent Art Tate was also present.

President Johnson made opening remarks and provided an overview of the meeting. He explained that one of the purposes of the meeting was to provide guidance to the Superintendent on the hiring and promotion of minority candidates and encouraged this guidance be provided in written format. He noted that nothing said this evening is to be considered the board's position until it is reviewed by legal counsel. Mr. Thomas Mayes, Attorney with the Iowa Department of Education, provided a presentation on Equal Employment Opportunity (EEO) and Affirmative Action (AA). He explained the first category in employment includes board policies on EEO/AA as well as the EEO/AA plans; job descriptions; job applications and the hiring process and staff evaluations. He emphasized the importance of alignment between job description, performance and performance evaluations. Board policies should cover all protected classes which include race, color, national origin, gender, disability, religion, creed, age, marital status, sexual orientation and gender identity. He reviewed the necessary components of the job descriptions and employment application forms. Mr. Mayes then reviewed the required components of an Affirmative Action plan and there was a discussion concerning the geographic area for recruitment. Director Roberson stated he had hoped this would be more of a conversation on diversity in the workforce and not on Affirmative Action because that phrase gets people turned off and they think that people are getting something they do not deserve or haven't earned. Providing equal employment opportunity is the moral thing to do and we should always be looking at the applicants qualifications. He emphasized the importance of uniformity in the hiring process and the way to achieve equity is uniform procedures.

Director Sherwood emphasized that when the students have people that look like them in teaching positions it enhances their ability to be successful and inquired about salary differentials for minority candidates and suggested this option be explored. There was a discussion about the home grown initiative in the district and the idea of offering an in-service on interviewing skills and what else the district could do to build relationships. Director Krumwiede said that he doesn't think board members have a good understanding of the hiring practices. Debra Miller, Director of Human Resources and Jabari Woods, Associate Director of Human Resources provided a detailed overview of the hiring process and recruiting efforts they have engaged in for the past year. Ms. Miller noted that the Grown Your Own initiative has been very successful and suggested putting more money into this effort. Director Krumwiede asked about efforts to encourage teachers of color to advance to administrative positions. Ms. Miller responded they are in the initial stages of efforts and explained

that she always encourages everyone to come back for feedback after the interview. Director Sherwood agreed the Grown Your Own initiative is good but will probably fall short of getting the district to where it needs to be in terms of hiring minorities and emphasized the need for minority candidates to improve instructional quality and believes we have a strong enough case to offer salary differentials even if we end up in court. Director DeFauw suggested creating a policy to establish numerical goals for certain classes of applicants that would exceed the minimum. She asked Mr. Mayes if there would be any implications or consequences if the district fell short of established goals. Mr. Mayes responded there would be no consequences for not meeting the goals but the policy would need to be reviewed every two years. Director Clewell referred to Mr. Mayes explaining the requirement that Affirmative Action is required for any organization that has put barriers in place and given the fact that we are a nation built on slavery does this mean all of us? Mr. Mayes said this is a powerful question and he said it is important to look at what your organization has done. He mentioned a particular case in another state where a fire department had clearly discriminated against applicants of color and explained more about this particular case and its relation to affirmative action.

Director Clewell asked Ms. Miller to provide more detail on the hiring process. She explained that the responsibility for hiring teachers is at the building level through a committee. There is a numerical value assigned to the interview questions but indicated they are not the same for every building. Director Clewell asked about the composition of the committee and she provided more details and indicated all of the applications are on-line through the Apple Track system which is tied into the district web site. She also noted that all vacancy notices are sent to the NAACP and they sometimes give HR a heads up to look for a particular candidate. She clarified that race is not indicated on the application. Clewell asked Ms. Miller if she is confident that our hiring process is not allowing people of color or anyone for that matter to fall through the cracks. Debra responded she can't say they aren't falling through the cracks because we can't tell someone's race from the applications. She pointed out that our community seems to draw a certain kind of person and unfortunately it hasn't proven to be young people or African Americans who can go to an urban area and get a job for much a higher pay and is more attractive socially. Clewell stated that reflecting on the case with the University of Texas, Justice Clarence Thomas presented arguments that would say that what we are doing is racial discrimination when talking about Affirmative Action. Director Roberson noted that the district has goals in terms of hiring minorities but the building principals and their team are the ones that hire. What he hears much of the time is that who was hired was a "good fit" and this seems inconsistent with the goal of hiring minorities. He noted that human resources or the Superintendent is not hiring it is the building principal and his or her staff. There was a discussion about what was meant by the phrase "good fit." President Johanson noted he wanted to be careful with the use of the word discrimination and asked about Director Clewell's statement that if you have an Affirmative Action plan you are therefore discriminating. He asked Mr. Mayes to respond to this statement in terms of Affirmative Action as he has described it. Mr. Mayes referred to Chapter 95 of the Iowa Administrative Code for explanation of what Affirmative Action and Equal Employment Opportunity mean and stated that Affirmative Action is "appropriate action to overcome the effects of past or present practices, policies, or other barriers to equal employment opportunity." He said nothing in this definition suggests that Affirmative Action is discrimination or reverse discrimination and stated that he doesn't think Justice Thomas's opinion on that particular case speaks to implementing Affirmative Action for this school district. President Johanson asked Director Clewell if he intended to say that that the district is required by law to discriminate because of our Affirmative Action Plan and Director Clewell responded this is what he intended to say. Clewell stated he needs clarification on what the district actually does in terms of Affirmative Action and when we say we are going to something for one group of people that we are not doing for another group of people we are making a distinction. He thinks this will come into play when we start to talk about what Affirmative Action is for this district.

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Director Sherwood asked about the possibility to re-recruit if they are not satisfied with the pool of applicants. Director DeFauw noted a document from the Iowa Association of School Boards about employment issues and hiring practices. She referred to a section of the document that says “often a school corporation will re-open the application process if it does not receive applications for qualified minority applicants and will then double its recruitment efforts to ensure that qualified minority applicants are aware of the vacancy.” Director DeFauw stated she strongly disagrees with Director Clewell’s statement that Affirmative Action is discriminatory. She clarified that it is intended to level the playing field and because those applications are color-blind it should make equal opportunity. Director DeFauw suggested that a standard and uniform set of interviews questions are developed and used by all building level staff in the hiring process. She also suggested providing an in-service for the members of hiring committees on Affirmative Action and hiring goals. DeFauw emphasized the importance of established rubrics to ensure objectivity in the hiring process. Ms. Miller also noted that more could be done in standardizing what the hiring committee looks like to make sure they are representative of our population. Mr. Mayes concluded his presentation and there was continued discussion on the option of re-opening positions and the hiring of principals. Clewell noted it is still not clear what steps are taken within Affirmative Action regarding assignment and promotion and noted the inconsistency between statements that indicate hiring is based on qualifications but also affirmative action goals. Mr. Mayes responded this does have inherent tension but it resolves itself in discussions and policies and noted that the Supreme Court has recognized that diversity in education is a compelling state interest and talked about “threading the needle” so to speak, within the district according to Chapter 95 of the administrative code. Mr. Mayes said he would provide more information that may be helpful in crafting policy regarding this issue.

Director Roberson said we talk about giving preferential treatment to a subgroup but asked what the difference is between a Caucasian being appointed to position without going through the hiring process and hiring an African American as a building principal and not going through the interview process and said that the later situation seems so questionable. Mr. Mayes said there are some positions where an appointment is in order, but the more objective, clear, and transparent the process the more likely the district will be to adhering to EEO guidelines. Mr. Mayes also suggested that the job description should include whether the position will be filled through an appointment or through the interview process. President Johanson recessed for a short break and the meeting reconvened at 7:30PM. The discussion continued with the board policies regarding Affirmative Action, the recruiting areas for the district, a review of the materials provided to the board and the definition of minority. The question was asked if there is a minority group with respect to gender. Ms. Miller stated that for example there are very few male elementary teachers so this would be considered a minority area and Director Clewell asked if the district has an aggressive Affirmative Action plan for male teachers at the elementary level. Ms. Miler stated that within the teacher contract they can save six positions a year for affirmative action and when they look at elementary teacher positions men do fall into that category. Director Sherwood asked what steps are taken to encourage the creation of a candidate pool for administrators. Director DeFauw asked about retaining applications and she explained these applications are available to building principals. DeFauw suggested sending something out to candidates who were not hired announcing new positions and Ms. Miller indicated she is starting to do exit interviews to find out why people are leaving the district. Director Sherwood requested this information. President Johanson continued the discussion by asking for feedback concerning diversity in our community. Director Clewell said the denominator in this equation should be the percentage of minorities in our schools. Director Sherwood suggested finding more ways to encourage minorities to run for the school board and also suggested the possibility of offering a stipend for board members so people of lesser means would also be encouraged to run for for the school board. Director Roberson said he does not see diversity being embraced and never thought there wouldn’t be someone else of color to replace him when left the board. He noted that Affirmative Action is separate from diversity and he said he heard more about why we can’t hire than

what we can do to hire more minorities. Director Krumwiede agreed the goal should be to reflect the student population with our employee population and we should be striving toward this goal and also mentioned that the bidding process is an obstacle to matching employee population to student population. Director DeFauw agreed that an aggressive affirmative action plan that ensures our employee population is more in line with our student population is necessary and should be the goal but emphasized the importance of allocating more resources to achieve this goal. Director Clewell said we do need action and we should set a diversity goal with metrics and mean it. He said this should be at the top of list when the board meets to discuss our goals and objectives. Director Sherwood said the Grown Your Own Initiative should be fully funded and that the board should be willing to task risks to achieve this goal. Director Roberson thanked Mr. Mayes for his presentation also emphasized the importance of funding the Grow Your Own Initiative and closing the achievement gap. President Johanson stated he thinks the overriding concern for all board members has been student achievement and now just as important is recognizing the importance of diversity in all aspects. Board representation is also extremely important and we now have two years to act in a much stronger way to have diversity on the board. Johanson asked Dr. Tate if he has adequate guidance from the board on this topic. He emphasized the board has to take the leadership role in understanding what the rules and goals are regarding creating more diversity. President Johanson thanked Mr. Mayes for his presentation and Wendy Meyers for their assistance in providing the board with more information regarding these issues.

Dr. Tate summarized what he has heard as guidance and steps in moving forward: 1) It is our responsibility to nurture and encourage minority applicants through mentorships, coaching and we can't just sit back and wait and we need to take affirmative action to make sure we are being proactive; 2) We need to look at standardizing at least one set of questions for interviews; 3) Train interview committees and remind them of our responsibility to work towards diversity within the school district; 4) Standardizing, as much as possible, the composition of the interview committee; 5) Increase the search area for advertising positions; 6) Opening the doors is a state of mind and when people understand what our procedures are there is an open door policy within the district; 7) We need to recruit for all of our positions not just teacher positions; 8) We have to as a board, superintendent, and as a district embrace minority goals entirely that our employee population reflect our student population; 9) Bidding is an impediment and we need to explore this process; 10) Minority recruiting and retention is a state of mind and a way of conducting our board and professional business; 11) Establish board goals with metrics to see that this become a reality; 12) Allocate dollars into the Grow Your Own initiative and possible stipends for minority hires. Director Roberson said he thought we did a much better job when the community was involved in the hiring process.

Director Sherwood suggested an additional opportunity for dialogue with the community on this topic either through a meeting or electronic means. Johanson stated that the NAACP has already asked for a forum on this issue and Dr. Tate will be setting this up sometime in the future. Director Clewell stated he would like more clarification on what Affirmative Action is outside of recruitment specifically what it means regarding assignment and promotion. Roberson stated the superintendent did a very good of summarizing what was said during the meeting and the steps that need to be taken and agreed that asking the community for additional input is a good idea. Johanson asked the board if there is a recommendation to provide guidance in written format and it was agreed this was not necessary at this as Dr. Tate did a good job of capturing the steps needed to move forward. Sherwood did recommend this topic be revisited and put on the calendar for review and update. He also encouraged employees to give the board feedback on this topic. Director Krumwiede suggested providing the board with a quarterly update on minority hiring. He also suggested having conversations with other districts regarding these issues. Sherwood also asked for a timetable on funding the various initiatives discussed.

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President Johanson thanked the NAACP for their participation and in particular the President, Vera Kelly for her valuable feedback in preparing for this meeting. He also thanked Deb Stevenson and administrators for attending and thanked newly elected board members Jamie Snyder and Maria Dickmann and the board secretary for her feedback. He thanked Director Roberson for his perspective and emphasized how everyone is going to miss his contributions. Director Clewell thanked the agenda committee for their efforts in putting this meeting together and Director Krumwiede thanked Jabari Woods and Debra Miller for attending. Director Roberson also thanked Carolyn Johnson from the NAACP for attending the meeting. President Johanson asked for a motion to adjourn the meeting. Director Krumwiede made a motion to adjourn the meeting and is was seconded by Director Roberson. President Johanson declared the meeting adjourned at 8:52 PM.

Mary Correthers, Recording Secretary