



City of Wilmington

Nnamdi O. Chukwuocha
City Council Member, 1st District

Louis L. Redding City/County Building
800 N. French Street
Wilmington, Delaware 19801-3537

phone (302) 576-2140
fax (302) 571-4071
www.WilmingtonDE.gov

Education, Youth & Families Committee

Nnamdi O. Chukwuocha, Chair
Ernest "Trippi" Congo, II
Va'Shun "Vash" Turner
Charles M. "Bud" Freel
Michelle Harlee, Vice-Chair
Dr. Hanifa Shabazz, Ex-Officio Member

NOTICE

Education, Youth & Families Committee Meeting

May 9, 2018

5:00 p.m.

1st Floor Council Committee Room

Agenda

1. **Ord.18-001** Amend Chapter 35 of the City Code regarding Human Rights
2. Discuss a Resolution Encouraging the Prohibition Against the suspension and expulsion of Pre-Kindergarten through second grade students
3. Discuss a Resolution encouraging the adoption an Ethnic Studies Curriculum for school districts serving students in the City of Wilmington
4. Discuss a Resolution Authorizing a Grant Application of the Department of Parks and Recreation to Bank of America Charitable Foundation
5. Presentation by the Wilmington Education Strategy Think Tank (WESTT) proposing the creation of an Office of Education and Public Policy in Wilmington

(5/2/18)

Any members of the public who wish to speak during the committee meeting will be limited to three minutes per agenda item. If the public's permission to comment is abused, the Chair may exercise greater discretion in limiting public comment.

AN ORDINANCE TO AMEND CHAPTER 35 OF THE CITY CODE REGARDING HUMAN RIGHTS

#4473

Sponsors:

Council
President
Shabazz

Council
Members
Walsh
Chukwuocha
Dixon
Oliver
Williams
Harlee

WHEREAS, pursuant to Sections 1-103 and 1-104 of the City Charter, the Wilmington Civil Rights Commission was established to address issues of discriminatory treatment resulting from the delivery or provision of City government services or the implementation or effect of City policies; and

WHEREAS, City Council recognizes the fundamental and critical role of promoting human rights and addressing discrimination at the local level; and

WHEREAS, City Council seeks to declare itself a "Human Rights City" and to support and promote the local adoption of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); and

WHEREAS, the Wilmington Civil Rights Commission is presently inactive but should be reinstated, and this entity could help the City protect the full range of universal human rights enumerated in the Universal Declaration of Human Rights (UDHR) and help implement the principles of CEDAW on a local level; and

WHEREAS, City Council, in this spirit, seeks to amend the composition and function of the Civil Rights Commission in order to incorporate provisions of UDHR and CEDAW, and to enhance the effectiveness of this important body.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 35 of the City Code is hereby amended by amending Section 35-37 thereof by deleting the stricken language and adding the underlined language as follows:

Section 35-37. Composition, qualifications.

(a) The civil rights commission shall be composed of seven residents of the city who shall be representative of the many ethnic groups in the city and men and women, without regard to sexual orientation, race, age, religion, gender, gender identity, physical or mental disability, marital status, color, national origin, or economic or family status (including source of income). Five of the members of the commission shall be appointed by the mayor. The remaining two members of the commission shall be appointed by the president of city council. The proposed members of the commission shall hold no other public office or paid public employment and shall be subject to confirmation by resolution of city council, approved by a majority of all members of the city council.

(b) Members of the commission shall be persons who have actively demonstrated an interest and expertise in efforts to promote diversity, equality, equity and understanding of civil and human rights, and to dismantle injustice, discrimination, bigotry, hatred and harassment within the city. Potential members of the commission should demonstrate the following qualities associated with a "human rights defender," as defined by the United Nations Human Rights Office of the High Commissioner, and as evidenced through the production of a resume, recommendation letter(s) and any other available documentation of the following:

- (1) A commitment to defending the human rights of all people without regard to sexual orientation, race, age, religion, gender, gender identity, physical or mental disability, marital status, national origin, or economic or family status (including source of income).
- (2) A commitment to peaceful, nonviolent defense of human rights.
- (3) A documented history of protecting and promoting human rights in either a paid or voluntary capacity. Examples include:
 - i. Collecting and disseminating information on human rights violations on a local, national and international level.
 - ii. Supporting victims of human rights violations.
 - iii. Working to secure accountability to established human rights standards.
 - iv. Supporting better governance and government policy for all.

- v. Contributing to the implementation of human rights treaties.
- vi. Providing human rights education and training.

SECTION 2. Chapter 35 of the City Code is hereby amended by deleting the previous Section 35-38 in its entirety, and replacing it with the new Section 35-38 as follows:

Section 35-38. Terms, meetings and procedures.

- (a) Members of the civil rights commission shall serve a three-year term. No member of the commission shall serve more than two terms, whether consecutive or not. Vacancies on the commission shall be filled in the same manner as original appointments within 90 days of the position becoming vacant.
- (b) The officers of the commission shall be a chairperson and a vice chairperson elected by the commission from among the members of the commission. The chairperson shall preside over meetings of the commission and shall have the right to vote. The vice chairperson shall perform the duties of the chairperson in the absence or disability of the chairperson. The officers shall serve for a one-year term.
- (c) The commission shall meet, at a minimum, on a quarterly basis with such additional meetings as it deems necessary to properly perform its duties.
- (d) Meetings of the commission shall be open and accessible to the public. The commission shall make every reasonable attempt to maintain confidentiality of complainants who have requested anonymity, subject to the applicable provisions of state and federal law.
- (e) At the sole discretion of the commission's officers, provisions may be made for participation of members by video-conference, in accordance with Title 29 of the Delaware State Code.
- (f) The commission may establish rules for its conduct and procedure.
- (g) The commission may approve a leave of absence, not to exceed three months, for a commissioner who is temporarily unable to fulfill his or her duties.
- (h) A majority of the commission, not counting members on an approved leave of absence, shall constitute a quorum.

SECTION 3. Chapter 35 of the City Code is hereby amended by amending Section 35-39 thereof by adding the underlined language as follows:

Section 35-39. General Authority.

The civil rights commission shall be authorized to:

- (a) Address issues of allegedly discriminatory treatment on the basis of sexual orientation, race, age, religion, gender, gender identity, physical or mental disability, marital status, national origin, or economic or family status (including source of income) resulting from the delivery or provision of city government services or the implementation or effect of city policies. In the performance of its duties, the commission may coordinate with community organizations such as the National Conference for Community and Justice, the American Civil Liberties Union, and the National Association for the Advancement of Colored People. If the commission is in receipt of information regarding situations brought to its attention involving circumstances which, in the commission's judgment, could lead to acts of violence against members of any minority group or other group allegedly receiving discriminatory treatment, the commission may attempt to alleviate the conditions or circumstances involved in such situations; provided, however, the commission shall not interfere in any investigation or activity by federal, state or city law enforcement officials.
- (b) Develop, maintain and publicize a formal channel of communication, which may include a telephone number, email address, webpage or mailing address, through which city residents and others may contact and correspond with the commission regarding issues of allegedly discriminatory treatment resulting from the delivery or provision of city government services or the implementation or effect of city policies.
- (c) Institute and conduct educational and other outreach programs to promote the equal rights and opportunities of all persons, without regard to sexual orientation, race, age, religion, gender, gender identity, physical or mental disability, marital status, national origin, or economic or family status (including source of income). The commission shall conduct at least one educational and/or other outreach program each year. In the performance of its duties, the commission may cooperate with interested residents, private agencies including foundations, colleges and universities, and agencies of the federal, state and local governments.
- (d) Conduct activities related to the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as enumerated in section 35-168.
- (e) This Section does not create a private cause of action against the city, the civil rights commission, or any city employee, elected city official, or any other city entity. This Section shall not be construed as creating any private cause of action.

SECTION 4. Chapter 35 of the City Code is hereby amended by amending Section 35-40 thereof by deleting the stricken language and adding the underlined language as follows:

Section 35-40. Reports, recommendations.

- (a) ~~From time to time~~ Quarterly, the civil rights commission ~~may~~ shall report to and make recommendations, in writing, to the mayor and the city council regarding issues ~~which have been~~ brought to the commission's attention which involve alleged instances of discriminatory treatment of individuals or groups of individuals.
- (b) On an annual basis, the commission shall report to and make recommendations to the mayor and city council, in writing, regarding city services and policies to further protect and fulfill the full range of universal human rights as enumerated in the Universal Declaration of Human Rights. The commission may coordinate with public and private agencies, including nonprofit organizations, foundations, colleges and universities, to conduct research necessary for its recommendations.

SECTION 5. Chapter 35 of the City Code is hereby amended by deleting the previous Section 35-45 in its entirety, and replacing it with the new Section 35-45 as follows:

Section 35-45. Working groups.

The commission may create working group(s) to help achieve its goal of protecting and fulfilling the full range of universal human rights as enumerated in the Universal Declaration of Human Rights.

- (a) Each working group shall be led by a commission member.
- (b) Membership, powers and rules of conduct and procedure of the working group(s) shall be determined by a vote of the commission.

SECTION 6. Chapter 35 of the City Code is hereby amended by adding a new Article V as follows:

ARTICLE V. LOCAL IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)

Section 35-167. Goal of the City to Implement Principles of the CEDAW.

- (a) Statement of goal. It shall be the goal of the city to support and advocate for the local implementation of the principles underlying the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by addressing, as applicable and practicable, discrimination against women and girls in areas including economic development, violence against women and girls, and health care.
- (b) No private cause of action. Article V does not create a private cause of action against the city, the civil rights commission, or any city employee, elected city official, or any other city entity. Article V shall not be construed as creating any private cause of action.

Section 35-168. Local Implementation of CEDAW.

In keeping with its goal to support and advocate for the local implementation of CEDAW principles, the city recognizes the connection between racial discrimination, as articulated in the International Convention on the Elimination of All Forms of Racial Discrimination, and discrimination against women. It shall by a goal of the city to take steps, as applicable and practicable, to address and alleviate discrimination against women in areas including employment practices, allocation of funding and delivery of direct and indirect services.

- (a) Economic Development. It shall be the goal of the city to, as applicable and practicable:
- (1) Take all appropriate measures to eliminate discrimination against women and girls in employment and other economic opportunities, including, but not limited to, ensuring:
 - i. The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment and the right to receive access to and vocational training for nontraditional jobs;
 - ii. The right to promotion, job security and all benefits and conditions of service, regardless of parental status, particularly encouraging the appointment of women to decision-making and management positions;
 - iii. The right to equal remuneration, including benefits, and to equal pay for work of equal value;
 - iv. The right to the protection of health and safety in working conditions, including supporting efforts not to

purchase sweatshop goods, regular inspection of work premises, and protection from violent acts in the workplace.

- (2) Encourage the provision of necessary social services to enable parents to combine family obligations with work responsibilities and participation in public life.
- (3) Encourage the use of public education and all other available means to urge financial institutions to facilitate women's access to bank accounts, loans, mortgages, and other forms of financial services.

(b) Violence Against Women and Girls. It shall be the goal of the city, as applicable and practicable, to:

- (1) Pursue all appropriate measures to prevent and redress sexual and domestic violence against women and girls, including, but not limited to:
 - i. Continued police enforcement of criminal statutes;
 - ii. Supporting the provision of appropriate protective and support services for survivors;
 - iii. Providing gender-sensitive training for city employees regarding violence against women and girls; and
 - iv. Supporting the provision of rehabilitation programs for perpetrators of violence against women or girls.
- (2) Take all necessary measures to protect women and girls from sexual harassment in their places of employment, school, public transportation, and any other places where they may be subject to harassment, provided that such spaces are within the realm of control and influence of city authorities.
- (3) Continue to support and promote the investigation by law enforcement of violent attacks against sex workers, and take efforts to ascertain the level of coercion involved, in particular where there is evidence of trafficking in women and girls.
- (4) Ensure that all public works projects include measures, such as adequate lighting, to protect the safety of women and girls, as well as all residents and visitors.

(c) Health Care. It shall be the goal of the city to, as applicable and practicable, promote the provision of information about, and access to, adequate health care facilities and services, according to the needs of all communities.

(d) Role of the Civil Rights Commission. The civil rights commission shall conduct activities in accordance with the local implementation of the provisions set forth above and shall monitor the city's efforts. Such activities may, from time to time, include the promotion of training

opportunities for city departments, as well as coordination with public and private agencies, including nonprofit organizations, foundations and institutions of higher education.

SECTION 7. In an effort to more fully implement Section 6 of this Ordinance, the City shall consider conducting, or causing to be conducted, a gender analysis of City departments, programs and policies, to potentially include (a) the collection of disaggregated data; (b) an evaluation of gender equity in the entity's operations, including its budget allocations, delivery of direct and indirect services and employment practices; and (c) the entity's integration of human rights principles and the local principles of CEDAW. Such a process, if undertaken, should include the development of an action plan with recommendations and specific steps that can be taken to address any deficiencies and integrate human rights principles and the local principles of CEDAW into the City's operation and functions.

SECTION 8. This Ordinance shall become effective 90 days following passage by the City Council and approval by the Mayor.

First Reading.....February 1, 2018
Second Reading....February 1, 2018
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2018

Mayor

SYNOPSIS: This Ordinance amends Chapter 35 of the City Code to expand the authority and enhance the structure of the Wilmington Civil Rights Commission to help protect and fulfill the full range of universal human rights as enumerated in the Universal Declaration of Human Rights (UDHR) and to locally implement the principles of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The Ordinance also provides more specific guidelines to govern the Commission's structure, composition and procedures.

FISCAL IMPACT STATEMENT: Provided the historical existence of the Civil Rights Commission and its citizen composition, as well as overlapping standards encompassed in the operations of the City's Department of Human Resources, this ordinance has no anticipated negative fiscal impact.

POLICY STATEMENT: This proposed Ordinance is designed to help the City of Wilmington implement the principles of the Universal Declaration of Human Rights and the United Nations Convention on Elimination of All Forms of Discrimination Against Women on a local level. This Ordinance has been driven by substantial research conducted on Human Rights Cities and Cities for CEDAW, and is intended to enhance the quality of life for Wilmington's residents and visitors.

Wilmington, Delaware
May 17, 2018

#XXXX

Sponsor:

**Council
President
Shabazz**

Co-Sponsors:

**Council
Members
Chukwuocha
Harlee
Dixon
Walsh
Oliver**

WHEREAS, according to data from the U.S. Department of Education, more than 3 million students in grades K-12 were suspended in the 2015-16 school year, more than double the rate in the 1970s. “Zero tolerance” policies, which refer to wide-ranging policies and practices that mandate the removal of students from school for both severe and minor offenses, have resulted in a disproportionate number of children of color suspended, expelled, and referred to law enforcement; and

WHEREAS, according to the Center for American Progress, 250 preschoolers are suspended or expelled every day, more than three times higher than school-aged children. Data presented by the U.S. Department of Education (DOE) reveal that African American children represented 18 percent of public preschool enrollment, but 48 percent of preschoolers receiving multiple out-of-school suspensions; and

WHEREAS, of the approximately 50,000 suspensions throughout the State of Delaware in the 2015-16 school year, just over 7 percent of those were for students in pre-kindergarten through second grade. Although enrollment for students in pre-K through second grade is down 4% since 2015, suspensions among this group have increased by 30% during that same period; and

WHEREAS, students of color are disproportionately dealt the harshest exclusionary penalties—expulsions and out-of-school suspensions. In the 2016-17 school year, nearly 2,500 Delaware students in pre-K through second grade received out-of-school suspensions, forcing them to miss academic instruction that was vital to their long-term academic achievement.

Suspending children – sometimes for minor infractions – criminalizes them instead of providing them with supportive and inclusive school environments; and

WHEREAS, the philosophy of restorative justice practices as an alternative to harmful, racially biased zero-tolerance policies, reaffirms a growing movement to institutionalize peaceful and non-punitive approaches for addressing harm and behavior. Intervening with youth and families at the first sign of at-risk behaviors embodies the mission The Wilmington Community Advisory Council (WCAC), formerly known as the CDC Community Advisory Council. Relatively informal practices, such as restorative dialogue, classroom circles and peer courts promote community building and tasks students with discussing issues with those with whom they experienced conflict. the early identification of youth at risk of committing violent acts

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council encourages the elimination pre-K through second grade out-of-school suspensions and urges school districts to invest in additional training and resources to support schools as they move away from discriminatory and punitive discipline measures and toward restorative practices.

Passed by City Council,

Attest: _____
City Clerk

SYNOPSIS: This Resolution calls for the elimination of pre-Kindergarten through second grade out-of-school suspensions. Further, this Resolution encourages school districts to explore and utilize restorative practices as an alternative to traditional school disciplinary measures to ensure consequences are applied to a child's misbehavior in a way that supports personal growth and positive learning opportunities for all students.

Wilmington, Delaware
May 17, 2018

#XXXX

Sponsor:

**Council
President
Shabazz**

WHEREAS, demographic analysis conducted by The News Journal indicates that by 2060, Delaware will be one of the most diverse states in the nation, with New Castle County's racial and ethnic mix ranking in the top 6 percent of counties nationwide. Such projections reaffirm the need for elementary and secondary schools to better prepare students for an increasingly racially and ethnically diverse society and global economy. Ethnic Studies curricula stress the importance of critically examining the world through the lens of traditionally marginalized populations, encouraging a sense of community engagement and social responsibility; and

WHEREAS, students of color account for more than 50 percent of the total student population in traditional school districts serving students from the City of Wilmington. As students of color proceed through the school system, research has found that the overwhelming dominance of Euro-American perspectives lead many such students to disengage from academic learning. Ethnic Studies, sometimes referred to as multicultural education or culturally responsive teaching, signifies a shift toward the experiences of ethnic communities who are often marginalized in classroom textbooks; and

WHEREAS, knowledge of the histories and experiences of diverse groups of people is essential to thrive in a globalized community. Ethnic Studies have shown significant increases in student attendance, Grade Point Average(GPA), and high-school credits earned towards graduation for the most marginalized students, based on research conducted by the Stanford Graduate School of Education; and

WHEREAS, Ethnic Studies programs empower students from minority communities to reclaim their history, while enabling students of other backgrounds to learn about cultures beyond their own. Racial disparities in K-12 educational achievement necessitate the need for promising social-psychological interventions that illuminate a path forward in breaking the cycles of poverty, violence, and incarceration that so many communities of color face. Citywide education reform efforts aimed at improving math and reading proficiency rates, providing access to highly effective educators and school climate, must be reimaged to incent innovation and advance systemic education improvement.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON, that Council encourages the adoption of a K-12 Ethnic Studies curriculum in school districts operating in and serving students from the City of Wilmington. The development of a comprehensive Ethnic Studies curriculum acknowledges the diversity of Delaware and would embrace the history and culture of all people.

Passed by City Council,

Attest: _____
City Clerk

SYNOPSIS: This Resolution calls for the adoption of a K-12 Ethnic Studies curriculum in school districts operating in and serving students from the City of Wilmington. Research indicating increases in student attendance, GPAs and credits earned towards graduation, pair favorably with citywide education reform efforts aimed at addressing racial disparities in K-12 educational achievement.

Wilmington, Delaware
May 17, 2018

#XXXX

Sponsor:

Council
Member
Chukwuocha

WHEREAS, pursuant to Section 2-363 of the City Code, the Council deemed it necessary and proper to specify the requirements for review and approval of City-sponsored grant applications and proposals, including authorization for expedited grant applications when necessary, prior to Council's approval by resolution; and

WHEREAS, the Department of Parks and Recreation submitted a grant application through CityFest, Inc., a non-profit corporation that is a component unit of the City of Wilmington, to the Bank of America Charitable Foundation in the amount of \$65,000.00 to support the City's 2018 Summer Career Development Program (the "Youth Program") formally known as the Summer Youth Employment Program; and

WHEREAS, the Bank of America Charitable Foundation has previously supported and funded of the Youth Program; and

WHEREAS, the Youth Program offers job opportunities to the City's youth ages 14 to 20; and

WHEREAS, the City is not required to provide matching funds for receipt of these grant funds; and

WHEREAS, the Council deems it necessary and proper to authorize the grant application, for the aforesaid purpose.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON the Department of Parks and Recreation's grant application to the Bank of America Charitable Foundation in the amount of \$65,000.00 is hereby authorized.

BE IT FURTHER RESOLVED that the Director of the Department of Parks and Recreation or his designee are hereby authorized to take all necessary actions to apply for and accept any and all funds associated with the grant application and to fulfill the grant requirements.

Passed by City Council,

ATTEST: _____
City Clerk

SYNOPSIS: This Resolution authorizes a grant application of the Department of Parks and Recreation through CityFest Inc. to the Bank of America Charitable Foundation in the amount of \$65,000.00. The funds will be used to support the City's 2018 Summer Career Development Program formally known as the Summer Youth Employment Program. There is no local match required.

FISCAL IMPACT STATEMENT: This grant would have a positive fiscal impact on the City. The Resolution approves a grant application to the Bank of American Charitable Foundation for \$65,000.00 with no matching funds requirement. The youth employed by this grant will pay the City Wage Tax, thus having a positive fiscal impact to the City.