

Written Testimony of Families for Education Improvement by Indira Sharma
In Support of Policy 1080 on Educational Equity with Revisions

Before the Board of Education for Howard County Public School Systems

August 18, 2020

My name is Indira Sharma and I am submitting this testimony on behalf of Families for Education Improvement, known as FEI, in support of Policy 1080 on Educational Equity with revisions that will better conform with the State law and that will provide for necessary oversight of the implementation of the policy to ensure effectiveness and accountability. A redline document of proposed changes from FEI is attached hereto as **Exhibit 1**.

FEI is a nonprofit that advocates for an outstanding education for every child in Howard County and through its Foundation engages in charitable work, including the operation of its weekly food pantry during the pandemic, providing school supplies to students in need and paying off student lunch debt. By way of personal background, I have three children in the school system. In my professional life, I am a partner at a large law firm in Baltimore City where I have been practicing law for 14 years and for that entire time I have worked as a diversity and inclusion advocate and leader in the legal profession including at my law firm where I chair our Diversity & Inclusion Committee.

I. Acknowledge that Individual Circumstances Also Create Inequities, in Addition to Systemic Racism, Bias and Institutional Barriers, to Ensure Equal Focus on the Individual Child.

The current draft of the policy correctly recognizes in its Policy Statement set forth in Section I that systemic racism, implicit bias, explicit bias and institutional barriers create inequities in our schools but it does not acknowledge the other half of the equity challenge which is the root cause that exists for some students based on their individual circumstances such as adverse childhood experiences (or ACEs), poverty, etc. If we want to be successful in our equity initiatives, we have to give equal attention to addressing the root causes as well. The Maryland Educational Equity Guidebook – *A Guide to Educational Equity in Maryland* - that was prepared by the State for local school systems to use in developing their equity plans makes clear in several places that “root cause analysis” is critical to developing appropriate action items. A copy of the handbook is attached hereto as **Exhibit 2**. See Ex. 2, Handbook at pages 4, 6, 7 and 13 setting forth as an action item the identification of root causes and actionable steps to address them. The State’s Educational Equity Guidebook also suggests actions centered on addressing mental health and trauma which are unique to each individual child’s circumstances. See Ex. 2, Handbook at page 15. While Policy 1080 references these individual issues in some places, the focus on the individual child is somewhat lost and it is completely absent from the initial Policy Statement framing the purpose of the policy.

The language of the State law is very focused on *each* child succeeding, valuing each child’s individual characteristics, which is expressly part of the State’s definition of “educational equity,” and the stated purpose of the law in the Code of Maryland Regulations (“COMAR”)

13A.01.06.01 is to provide every student with access to the educational rigor, resources and supports designed to maximize each child’s academic success and social/emotional well-being. A copy of the applicable COMAR provisions and statutory authority in the Maryland Education Article 2-205 is attached hereto as **Exhibit 3**. Accordingly, there needs to be a more prominent focus on the unique characteristics and circumstances of each individual child in this equity plan in addition to the systemic racism and institutional barriers in the school system that create inequities. To that end, we propose adding to Section I of the Policy Statement that individual circumstances also create barriers to educational equity so that we can all be squarely focused on addressing these barriers as well.

II. Strike Reference to Policy 6010 on School Attendance as a Mechanism for Establishing Diverse Populations at All Schools on Grounds that (a) There is No Authority in the State Law or Equity Handbook for this Action, (b) Other Maryland Jurisdictions Complying with the State Law Have Not Made School Assignment a Part of Their Equity Plans, (c) It is Illegal to Make School Assignments Based on Race, and (d) Policy 6010 is Not Currently Drafted to Serve the Purpose of Diversifying Student Populations at All Schools.

Section III(B)(5) of the draft of Policy 1080 includes a concerning directive to use Policy 6010 on School Attendance Areas as a mechanism to “establish a diverse, equitable and inclusive student population at all schools.” This reference to Policy 6010 is problematic because there is no legal authority in the State law for using school assignment to establish diversity. Further, the very detailed 21 page *Guide to Educational Equity in Maryland* handbook prepared by the State for local school systems to use in developing their equity plans does not reference anywhere using school assignment as an equity tool. Instead, the State handbook provides a lot of other evidenced-based solutions for equity that are included in the draft Policy 1080, which FEI fully supports, but school assignment is not one of them. Further, the State’s handbook emphasizes the importance of using evidenced-based strategies for achieving equity. *See* Ex 2, Handbook at pages 8, 13 and 15. FEI maintains that school assignment is not an evidenced-based strategy for achieving equity and this is supported by the fact that the National Education Association does not include school assignment as one of its many action items for achieving equity in education.

It is quite clear that the State’s equity plan does not mandate or even suggest school assignment as a tool for equity. Perhaps this is so because the Supreme Court has held that it is illegal to assign students to schools based on race. *See Parents Involved v. Seattle*, 551 U.S. 701 (2007). Here, Policy 1080 clearly defines diversity to include many race related factors such as race, ethnicity and national origin. Therefore, the Policy cannot legally “establish” diverse student populations under this definition “at all schools” through school assignment.

Further, Policy 6010 is not currently drafted to function as a tool for diversifying student populations through school assignment. Policy 6010 for school attendance area adjustments is triggered only under a limited set of circumstances such as the construction of a new school or a capacity problem at an existing school. As drafted, Policy 6010 cannot be applied for the purpose

of diversifying populations at all schools. Demographics is just one of the three main factors of consideration only after the policy has been triggered by a lawful purpose, with facility utilization and community stability being other key factors of consideration.

It is noteworthy that other jurisdictions that have developed equity plans in compliance with the State law, such as Montgomery County and Carroll County, do not include school assignment as an equity action.

FEI advocates for an equity policy that focuses on the root causes of the inequities and the systemic issues, bias and institutional barriers in the school system, as the majority of this draft Policy 1080 does. Accordingly, FEI urges the Board to strike the reference to Policy 6010 on school assignment.

III. Appoint an Educational Equity Committee to Oversee the Superintendent's Implementation of the Policy to Ensure Effectiveness and Accountability.

The current draft of Policy 1080 delegates authority for implementation solely to the Superintendent which gives an exorbitant amount of unfettered discretion to one person. Because there are some ambiguities in the current draft policy related to its application, it is essential to have the voices and experiences of stakeholder involved in effectively implementing the policy. By way of example, there are words used in the policy that have no definition such as “differentiated approaches” when referring to development of a culturally responsive curriculum. In addition, there are equity actions described without parameters, such as translating documents into different languages, with no limitation on which languages will be given preference and which languages will be excluded. Because Policy 1080 currently lacks the requisite level of specificity, FEI urges this Board to adopt an Educational Equity Committee comprised of parents, students, principals, community stakeholders and diversity, inclusion and equity professionals to oversee the Superintendent's implementation of this policy.

We believe that the Educational Equity Committee's oversight is a reasonable compromise for those concerned that Policy 1080 is not fully developed and ready for adoption. The Educational Equity Committee would also assist the Superintendent with the annual budget that allocates resources and provide insight to the Department of Curriculum and Instruction related to the culturally responsive curriculum. As it stands, there are ambiguities related to the culturally responsive curriculum such as which cultures may be included or excluded. The involvement of an Educational Equity Committee would ensure that the policy is most effective, fairly applied and it would provide an added layer of accountability for the success of this policy.

FEI does not want an equity plan on paper. FEI wants an equity plan that will actually work. Accordingly, consistent with everyone's conviction that diversity yields creative solutions and the very best thinking around a complex issue, we need a group of diverse minds, experiences and perspectives from those who are stakeholders to ensure the success of the equity policy. The implementation and success of this important equity policy cannot be totally delegated to any one person. None of us are as smart as all of us. – *Japanese Proverb*