

ARIZONA CIVIL RIGHTS ADVISORY BOARD

Minutes of Public Meeting

March 22, 2011

1:00 p.m.

Board Members Present

Jeff Lavender, Chairperson
Laura Mims, Vice Chairperson
Kenneth Moore
Beverly Dupree
Daisy Flores
Wendy Freeman

Board Members Not Present

Jesus Cordova

Staff Members Present

Melanie V. Pate, Executive Director
Sandra R. Kane, Legal Counsel
Kathy Grant, Legal Secretary

I. Call to Order

Jeff Lavender called the meeting to order at 1:20 p.m. with the following Board Members in attendance: Wendy Freeman, Beverly Dupree, Laura Mims and Daisy Flores. Members of the public were invited to participate in person at the Basement Conference Room B of the Capital Center Building located at 15 S. 15th Ave., Phoenix, Arizona.

II. Introduction of New Board Member

Board Member Jeff Lavender introduced Wendy Freeman as a new board member.

III. Approval of Minutes of December 1, 2010 Meeting

Upon Motion from Daisy Flores and seconded by Beverly Dupree, the minutes from the December 1, 2010 Board meeting were approved unanimously.

IV. Legislative Report

Melanie Pate informed the Board that five immigration bills failed on the Senate floor last week. The bills include SB 1308 (different birth certificates for children of non-citizens); another bill re Arizona birth certificates for children of non-citizens); SB 1405 (documentation re legal status at hospital admission); SB 1407 (school reporting of student legal status); and SB 1611 (omnibus immigration bill involving access to public benefits). Two other immigration-related bills, HB 2191 and SB 1406, are moving forward. HB 2191, which would deny punitive damages to illegal aliens in state court actions, passed the House and is in the Senate; and SB 1406, which would authorize an interstate compact to construct and maintain a secure border fence on private property, passed the Senate and is in the House.

The Division recently became aware of SB 1288, which would amend the free exercise of religion portion of the Arizona Civil Rights Act that the Civil Rights Division has no jurisdiction to enforce. This bill would prohibit denial, suspension or revocation of professional licenses and

government positions based on religious belief and free exercise of religion. SB 1288 passed in the Senate and is in the House, but there are concerns about the scope of the bill.

Sandra Kane informed the Board about HB 2395 regarding compensation to tenants of mobile home parks for seniors who wish to move out because their park plans to convert to a family park. At this point, Board Member Ken Moore joined the meeting.

Daisy Flores noted that a bill favoring married couples over single persons in adoption, which the Board had opposed last year, passed the legislature this year.

Sandra Kane reported about bills pending in the legislature regarding school bullying. HB 2415 passed the House and had a second read in the Senate. HB 2580 and SB 1549 are companion bills which would include protection for school bullying based on sexual orientation and gender identity. These two bills are not moving forward.

V. Contacting Municipalities re Ordinances Prohibiting Sexual Orientation and/or Gender Identity Discrimination

Upon motion from Kenneth Moore and seconded by Beverly Dupree, the Board unanimously voted to move to Executive Session under A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Board's Attorneys at 1:40 p.m. At that point, the Board went into Executive Session.

Upon returning to regular session at 1:55 p.m., upon motion by Daisy Flores and seconded by Laura Mims, the Board voted to table this matter until a later time.

VI. Discussion re Strategies to Deal with School Bullying

A. NAAG Civil Rights Conference

Melanie Pate reported that she attended the National Association of Attorneys General's Civil Rights Conference on February 1-2 in Washington, D.C. One of the presentations at the conference was on school bullying and she received a copy of a guide entitled "Protecting Students from Harassment and Hate Crime," which was developed jointly by the National Association of Attorneys General and the U.S. Department of Education Office for Civil Rights. Ms. Pate distributed copies of the guide to the Board Members.

B. National Town Hall

Sandra Kane informed the Board that she had recently learned that Arizona Department of Education Superintendent of Schools John Huppenthal, Attorney General Tom Horne, Phoenix Police Chief Jack Harris, Pinal County Sheriff Paul Babeu and others had been scheduled to participate in a televised national town hall on February 17, 2011 entitled "Stand Against Bullying Town Hall" which was hosted by former U.S. Secretary of Education Bill Bennett and Fox News Commentator Dr. Frank Luntz. She contacted Jean Ajame, Director of School Safety and Prevention at the Department of Education, to get more information regarding the Town Hall, but she had not attended it and did not know much about it.

C. Legislation

Bills pending before the Arizona Legislature regarding school bullying were discussed during the Legislative Report.

D. Planning re Possible Forum or Other Approaches

Sandra Kane stated that Ms. Ajame at the Arizona Department of Education provided a link to the U.S. Department of Education's recent guidance and wanted to get the Board's input on that guidance. According to Ms. Ajamie, the Department of Education's approach is to deal with school bullying as a systemic problem and not "incident by incident," but the National School Board Association is challenging this guidance. Beverly Dupree suggested that the Board invite Ms. Ajame to a Board meeting to provide specific information regarding what input she would like from the Board. Ms. Kane provided the link that she received from Ms. Ajamie to the U.S. Department of Education's recent guidance:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>.

Ms. Kane mentioned that she received an email from Dan Pochoda of the ACLU indicating that they have been involved in litigation regarding school harassment and bullying and that they know of persons at ASU and elsewhere that the Board may be interested in hearing from on these issues. Beverly Dupree expressed interest in hearing from Dan Pochoda and the other resources. Jeff Lavender asked what the objective of a public forum on school bullying would be other than gathering evidence that it exists because that is already tracked on websites. Sandra Kane mentioned that a forum might provide suggested approaches for dealing with school bullying systemically, as suggested by Ms. Ajame. Although school boards typically deal with school bullying issues, the Department of Education is more involved in researching and testing ways to prevent and resolve school bullying. The Board expressed interest in hearing Ms. Ajame's approach and any suggestions she may have regarding the role of the Board. Jeff Lavender stated that ASU has had some grants for a successful anti-bullying program and that he knows a principal in Paradise Valley who went through their program at his school who may be interested in speaking to the Board. Beverly Dupree stated that Valley Leadership had a presentation a few weeks ago with Supt. Huppenthal and a teacher's association about school bullying, and she will ask them about speakers. The Board would like to hear from these different sources at a public meeting, and could invite members of the public to attend and hear what the speakers have to say. The Board planned to have the meeting at the Cap Center Basement Conference Room for 2 hours starting at 1:30 p.m. on May 17, but Daisy Flores would not be available then. Ms. Pate also stated that she could explore the possibility of doing a press release to advertise the meeting beyond the ACRAB mailing list. Sandra Kane will confirm that the conference room is available and let the Board know so that Board Members can contact proposed speakers.

VII. Discussion and Planning re Other Issues and Activities

The Board expressed interest in having a telephonic meeting to discuss other issues that they would like to re-visit. Daisy Flores asked whether there would be some follow up re racial profiling issues and training. She would like to invite AZ POST to a meeting to provide an update regarding racial profiling training and would also like to hear from the Traffic Stop Committee about what they have been doing. This could be done at an August meeting.

VIII. Division Report

Melanie Pate reported that the transition of administrations at the Attorney General's Office has gone very well. The Office is getting input for NAAG to see how things are running and if

improvements can be made. For the Harkins movie theatre lawsuit, Melanie reported that the Division is in active litigation with Harkins. The Division is ahead of schedule in both the EEOC and HUD contracts. Ms. Pate informed the Board that the Division will be going to trial against ASARCO in an employment discrimination case which is set to begin on April 4, 2011. Jeff Lavender asked if there was any impact on the Office from the Arizona Civil Rights Initiative. Melanie Pate explained that the Initiative is going into effect, but there is no direct effect on the Division.

IX. Call to Public

No one was present.

X. Announcements and Current Events

Ms. Pate announced that the annual fair housing event that the office co-sponsors with the Arizona Fair Housing Partnership will be held on April 12, 2011 at the Disability Empowerment Center. The Attorney General will make the opening remarks and Sandra Kane will be serving on the panel. Sandra Kane added that the Division also participated in a nationwide Fair Housing Webinar in February hosted by the Attorney General's Office and available on the Attorney General Website, and will be doing fair housing presentations in Prescott on March 30 and Yuma on April 9.

XI. Adjournment

Upon motion by Kenneth Moore and seconded by Daisy Flores the meeting was adjourned at 2:50 p.m.